

ZB# 91-23

Mobil Oil Corp.

69-4-26.2

Prelim:

June 24, 1991

Tabled

OCRD ~~to be~~
notified on 7/9/91.

Photos needed ✓

Indehum Motion
July 8, 1991 ^{7³⁰} Schedule
P.H.

- ① Photos - existing ✓
② Deed
③ Title Policy
④ Proxy letter ✓

Notice to Sentinel -
7/9/91 ✓

Fee Paid

Decision: 7/29/91.

Only lot area variance
granted & variances
which pertain to canopy.
No area variances granted
pertaining to car wash.

General Receipt

12132

TOWN OF NEW WINDSOR

555 Union Avenue

New Windsor, N. Y. 12550

July 23 1991

Received of

Kartiganer Associates, PC \$ 50.00

Fifty and 00 DOLLARS

For

ZBA Application Dec. # 91-23

DISTRIBUTION:

FUND	CODE	AMOUNT
OK # 15331		50.00

By

Pauline M. Townsend es

Town Clerk

Title

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

(ZBA DISK #7-092091.FD)

-----X

In the Matter of the Application
of

MOBIL OIL CORPORATION

DECISION GRANTING
AREA VARIANCES AND
DENYING OTHER AREA
VARIANCES

#91-23.

-----X

WHEREAS, MOBIL OIL CORPORATION, maintaining a place of business at 50 Broadway, Hawthorne, N. Y. 10532, has made application before the Zoning Board of Appeals for the following area variances: (1) 1,830 sq. ft. lot area, (2) 21 ft. front yard (car wash), (3) 36 ft. front yard on Route 94 (canopy), (4) 4 ft. front yard on Rt. 32 (canopy), (5) 3 ft. side yard (canopy), (6) 13 ft. rear yard (car wash), and (7) 6.5 ft. building height (car wash), in connection with a proposed rebuilding of applicant's service station at Five Corners, Vails Gate, Town of New Windsor in a C zone; and

WHEREAS, a public hearing was held on the 22nd day of July, 1991 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicant was represented at said public hearing by Scott Kartiganer, P. E. of Kartiganer Associates, P. C., its engineering firm, and by Gary Hughes of Mobil Oil Corporation, and by Tom Florio, of Advanced Automotive, the lessee of Mobil Oil Corporation at this site, and by John Knox, of Ryco, the firm Mobil Oil Corporation engaged in connection with the proposed car wash at this site, all of whom spoke in support of the application; and

WHEREAS, the public hearing was attended by a number of spectators who spoke in connection with the application, to wit, Greg Shaw, P. E., representing Fred Gardner and Herbert Slepoy, co-owners of a nearby parcel of real property, who objected to the proposal on the grounds that his clients property is some 5 ft. lower in elevation than the applicant's site and that if the variances on the proposed car wash are approved, the Pizza Hut Restaurant located upon his client's real property would no longer be visible from the Five Corners intersection and that, the proposal would generate traffic flow problems both upon the site and at the Five Corners; and that the applicant simply proposes to put too much on this site; and that variances should not be granted to the applicant which would result in diminishing the visibility of his client's property; and that granting the variances on the car wash would diminish the attractiveness of Vails Gate as a business area; and that water discharging from the applicant's site would ultimately flow onto his client's property (Mr. Hughes offered to redesign the flow path to direct the water towards the front of the property in response to this objection); and by Fred Gardner, one of the co-owners of the nearby real property upon which the Pizza Hut Restaurant property is located, who objected to the variances sought for the car wash

on the grounds that the applicant was unable to show significant economic injury warranting the granting of the variances for the car wash on the basis that the applicant was not pumping an insufficient amount of gas from the site at the present time which would warrant construction of the car wash to improve his profitability (at which point Mr. Hughes agreed that the applicant was not pumping an insufficient amount of gas at the site to ensure its profitability); and that water run off from the car wash would ultimately be received on his property; and that the reduction of the access to Route 94 to a single curb cut would cause additional traffic problems; and by Carmine Andriuolo, the owner of a service station located upon the same road as the applicant and approximately one-third mile distant therefrom, who objected to the variances pertaining to the car wash (but not the variances pertaining to the gas station and convenience store) upon the basis that the location for the car wash was inappropriate in that it would generate too much traffic at the already congested Five Corners intersection and that too many variances were needed to construct the proposed car wash; and by Herbert Slepoy, one of the co-owners of the nearby real property upon which the Pizza Hut Restaurant is located, who objected to the variances required for the proposed car wash on the grounds that simply too many variances were needed in order to construct the car wash; and that, since the existing gas station is already successful, the applicant is merely seeking more profit at the expense of the general public and the applicant's neighbors; and that the proposed car wash would generate many traffic problems which he felt the NYS Department of Transportation had not fully considered in its recent redesign of the Five Corners intersection; and by Floyd Scholz, who is affiliated with the McDonald's Restaurant, which is adjacent to the applicant's site, who did not object to the applicant's proposals but was concerned that the new canopy would not impair the visibility of the McDonald's Restaurant (and it appeared that since the proposed canopy would be set back further than the present canopy, apparently the visibility of McDonald's Restaurant would be improved if the necessary variances were granted); and by Carl Schiefer, Chairman of the Town of New Windsor Planning Board who indicated that the plan now before the Zoning Board of Appeals was selected primarily upon the basis of optimal traffic flow within the site; and that the Planning Board had not been presented with, nor did they consider, the objections now being raised by the public concerning the applicant's proposed plan; and that other plans proposed by the applicant might have called for lesser variances in regard to the car wash but such plans were not deemed desirable considering the issue of traffic circulation; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The evidence shows that the applicant is seeking permission to vary the provisions of the bulk regulations

pertaining to lot area, front yard (car wash), front yard on Route 94 (canopy), front yard on Route 32 (canopy), side yard (canopy), rear yard (car wash), and building height (car wash) with regard to the proposed rebuilding of applicant's existing service station by removing entirely the existing building with automotive service, pumps and tanks, and to build an entirely new, smaller gas station/convenience store, pumps and tanks as well as add a car wash, in a C zone.

3. The evidence presented by the applicant substantiated the fact that variances for less than the allowable front yard (car wash), front yard on Route 94 (canopy), front yard on Route 32 (canopy), side yard (canopy), rear yard (car wash), and building height (car wash) would be required in order to allow the proposed rebuilding of applicant's service station which otherwise would conform to the bulk regulations in the C zone./

4. The evidence presented by the applicant indicated that it received area variances from the Zoning Board of Appeals on January 11, 1982 to locate the existing canopies in the required front yards on the site. The applicant's present proposal for front yard and side yard variances for the proposed reconstructed canopies involves a smaller variance request than was previously granted upon this site. Consequently the applicant's proposal would come closer to the bulk requirements than the canopies presently existing at the site.

5. The evidence presented by the applicant indicated that a 1,830 sq. ft. lot area variance became necessary due to the fact that the area within a sewer easement (which the applicant granted to the Town of New Windsor gratis) must now be deducted from the gross lot area. If the area of this sewer easement was not deducted from the gross lot area, no lot area variance would be required in connection with this application. Consequently, this board finds that since the area of the lot remains unchanged, and since the deduction for the sewer easement was the result solely of a change in the applicable local law for computation of lot area, and since the granting of the sewer easement by the applicant to the Town of New Windsor was uncompensated, the applicant certainly will suffer significant economic injury from the application of the new lot area requirements to this lot in the light of the foregoing circumstances.

6. The evidence presented by the applicant indicates that the applicant's proposed rebuilding of its service station really is a proposal to demolish the existing service station, with its auto service facilities, pumps and tanks, in their entirety, move the building location back on the property, and replace it with an entirely new building to service gasoline customers with a convenience store, as well as rebuilding the pumps (same number of pump islands) and tanks, and in addition, add an entirely new car wash facility.

7. The Board finds that the applicant's decision to demolish the existing building, pumps (with canopies) and tanks causes it to lose its status as a nonconforming building

permitted by virtue of the previously granted area variances for the canopies. The applicant's proposal to demolish the existing facilities and replace them with entirely new facilities, in different locations, which creates new nonconformities, does not fall within the "grandfathering" provisions of Zoning Local Law Section 48-25(B). Thus the applicant's application is treated as one for entirely new construction on the subject lot.

8. The applicant now proposes to change its use of the property by eliminating automotive service, adding retail sales at a convenience store, and adding the car wash. The Zoning Board of Appeals has not considered the applicant's proposed change of use on this application since the property is currently in the Design Shopping, C zone, in which retail stores are uses permitted by right and gasoline filling stations and service repair garages are uses permitted by special permit (Table of Use/Bulk Regulations, Design Shopping - C - Zoning District, Column A, Use 1, and Column D, Use 5, respectively. The Board notes that the definition of "gasoline service station" in Zoning Local Law Section 48-37 includes the sale of motor fuels, the sale of petroleum products, as well as washing services. Thus, the change of use proposed by the applicant and the necessary special permit must be addressed by the Planning Board upon its review of the applicant's site plan. This Board has only considered the area variances requested.

9. The evidence presented by the applicant indicated that the proposed rebuilding of its service station was needed for economic reasons in order to upgrade the site to standards for the 1990's in order to remain competitive in the market place; as well as to keep up with new technology in order to continue making a profit and to continue to be competitive in the future by having an appealing looking facility for the long term; the applicant's present service station is some 20 years old, with old pumps and vapor recovery problems; the proposed rebuilding will update all of these outmoded facilities with more profitable facilities equipped with the latest technology; in addition, the applicant seeks to enhance safety on the site in order to improve the public safety and decrease exposure to liability in the event anyone is injured on the site or entering or exiting the site; and the applicant seeks to increase its business by improving visibility at the site by making it more open, more attractive, cleaner and safer.

10. The evidence presented by the applicant further indicated that it proposed to locate car wash on the site for the convenience of its customers, to keep pace with the latest technology, and to make an additional profit. It appeared from evidence at the hearing that the applicant could locate the car wash on some other portion of its lot without any variances at all, or possibly with smaller variances, but, based upon the review of the site plan by the Planning Board, it appeared that safety considerations for internal traffic circulation dictated the site plan now presented to the Zoning Board of Appeals. Alternative locations apparently had less favorable internal traffic flow and may have involved locating facilities over part of the sewer easement and/or causing problems with parking and

turning delivery gasoline tankers. This Board is charged, pursuant to the provisions of Zoning Local Law Section 48-33(B)(1)(b), to grant the "minimum variance" that will allow the applicant a reasonable use of the land or building. It is the finding of this Board that the applicant can continue to use its land as a gas station, and could even add a convenience store thereto (assuming that the Planning Board grants the necessary approvals) with only a lot area variance, and the applicant can even reconfigure its pump islands and canopies with variances that are smaller in magnitude than the previously granted variances for this site. Thus, it is the finding of this Board that if the lot area, front yard on Route 94 (canopy), front yard on Route 32 (canopy), and side yard (canopy) variances were granted, the applicant would be able to make a reasonable use of its land and building. The remaining question concerns whether granting the variances for front yard (car wash) and rear yard (car wash), as well as building height (car wash) constitute the "minimum variances" that will allow the applicant the reasonable use of its land or building.

11. It is the finding of this Board, after hearing extensive input from the public as well as the Chairman of the Town of New Windsor Planning Board, that in the light of the proof presented by the applicant, the applicant has in fact shown significant economic injury from the application of the bulk regulations to its land with respect to the variances sought for 1,830 sq. ft., lot area, 36 ft. front yard on Route 94 (canopy), 4 ft. front yard on Route 32 (canopy), and 3 ft. side yard (canopy). It is the finding of this Board that the applicant has sufficiently demonstrated practical difficulty in order to entitle it to be granted the foregoing area variances. It is the further finding of this Board that the applicant has not presented sufficient evidence to show significant economic injury from the application of the bulk regulations to the variances sought for the car wash, to wit, 21 ft. front yard (car wash), 13 ft. rear yard (car wash) and 6.5 ft. building height (car wash). The applicant has not alleged, nor have they offered any proof that the site, without the car wash, is uneconomic. The car wash apparently would only increase the applicant's return. Further, it appears that the applicant could still locate the car wash on this site either without any variances or with smaller variances than have been requested on this application. Thus, the applicant is not denied a reasonable use of its land or building by the denial of the variances for the car wash which are sought herein. This Board finds it significant that the site plan referred to the Zoning Board of Appeals by the Planning Board was chosen solely on the basis of the internal traffic circulation. Since the Planning Board had not conducted a public hearing on this application, it did not have the benefit of the objections raised by members of the public at the public hearing conducted by the Zoning Board of Appeals. Thus, although other plans might not call for the optimum in internal traffic circulation, they might provide for development of this site which is more in keeping with the bulk regulations of the Town of New Windsor. It is the finding of this Board, that after granting the variances with regard to lot area and the yard variances pertaining to the canopy, the applicant is able to make a reasonable use of its land and

building. The mere fact that the applicant could make additional profit and that the internal traffic flow might be optimized by locating the car wash in the proposed location, is not sufficient to warrant the variances requested concerning the car wash. Considering all of the input with regard to the car wash location, it is the finding of this Board that the applicant, if it chooses, can redesign its car wash location, to locate the same either without requiring variances or with variances of a smaller magnitude than is the subject of this application.

12. Consequently, this Board does not find that the applicant has demonstrated practical difficulty sufficient to warrant the granting of the 21 ft. front yard (car wash), 13 ft. rear yard (car wash) and 6.5 ft. building height (car wash) variances since alternative designs could eliminate or reduce the need for such variances as well as reducing the impact of such construction upon the public and the neighboring properties. It is the finding of this Board that the proposed car wash construction must be reviewed in the light of the bulk regulations and the health, safety and welfare of the public, and the impact of the proposal on the neighbors, not merely in the light of the optimal internal traffic circulation on the site.

13. This Board's decision should not be read as one which would deny all front yard, rear yard and building height variances on the applicant's land for construction of a car wash facility. Given a new application, which possibly could include requests for variances of a smaller magnitude, based upon a different design and/or layout that did not have such impact upon the bulk regulations in the neighborhood, and given appropriate to the health, safety and welfare issues arising therefrom, it is possible that this Board could act favorably upon such variance request if the applicant was able to demonstrate the requisite practical difficulty.

14. The requested variances for 1,830 sq. ft. lot area, 36 ft. front yard on Route 94 (canopy), 4 ft. front yard on Route 32 (canopy) and 3 ft. side yard (canopy), are not substantial in relation to the required bulk regulations since the property area remains unchanged but the computation of lot area has been changed only by an amendment to the local law regarding deduction of sewer easement area and the above front yard and side yard variances are smaller in magnitude than those which presently exist for the canopies now at the site. However, as to the requested variances for 21 ft. front yard (car wash), 13 ft. rear yard (car wash), and 6.5 ft. building height (car wash), this Board finds that they are substantial in relation to the required bulk regulations.

15. The requested variances for 1,830 sq. ft. lot area, 36 ft. front yard on Route 94 (canopy), 4 ft. front yard on Route 32 (canopy) and 3 ft. side yard (canopy), will not result in substantial detriment to adjoining properties nor change the character of the neighborhood. It is the further finding of this Board that the requested variances for 21 ft. front yard (car wash), 13 ft. rear yard (car wash), and 6.5 ft. building height (car wash) would result in substantial detriment to adjoining

properties and would change the character of the neighborhood.

16. The requested variances for 1,830 sq. ft. lot area, 36 ft. front yard on Route 94 (canopy), 4 ft. front yard on Route 32 (canopy), and 3 ft. side yard (canopy) will produce no effect on population density or governmental facilities.

17. There is no other feasible method available to applicant which can produce the necessary results as to lot area, front yard on Route 94 (canopy), front yard on Route 32 (canopy) and side yard (canopy) other than the variance procedure.

18. The interest of justice would be served by allowing the granting of the requested variances for lot area, front yard on Route 94 (canopy), front yard on Route 32 (canopy), and side yard (canopy), and by denying the requested variances for front yard (car wash), rear yard (car wash) and building height (car wash).

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of the Town of New Windsor GRANT, as originally numbered, (1) 1,830 sq. ft. lot area, (3) 36 ft. front yard on Route 94 (canopy), (4) 4 ft. front yard on Route 32 (canopy), and (5) 3 ft. side yard (canopy) variances for the proposed rebuilding of applicant's service station in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Zoning Board of the Town of New Windsor DENIES, as originally numbered, (2) 21 ft. front yard (car wash), (3) 13 ft. rear yard (car wash), and (7) 6.5 building height (car wash) variances, for the proposed rebuilding of applicant's service station in accordance with plans filed with the Building Inspector and presented at the public hearing.

AND, BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.


Chairman

Dated: September 23, 1991.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

91-23

Date: 06/24/91

I. Applicant Information:

- (a) MOBIL OIL CORP., 50 Broadway, Hawthorne, N.Y. 10532 x
(Name, address and phone of Applicant) (Owner)
- (b) n/a
(Name, address and phone of purchaser or lessee)
- (c) n/a
(Name, address and phone of attorney)
- (d) n/a
(Name, address and phone of broker)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. Property Information:

- (a) C West side NYS Rt. 94 69-4-26.2 102 x 197+
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? n/a
- (c) Is a pending sale or lease subject to ZBA approval of this application? n/a
- (d) When was property purchased by present owner? 12/16/66
- (e) Has property been subdivided previously? No When? -
- (f) Has property been subject of variance or special permit previously? Yes When? 1/11/82
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: n/a

IV. Use Variance: n/a

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____

n/a

- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Cols. C,E,F,G&I.

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>40,000 s.f.</u>	<u>38,170 s.f.</u>	<u>1,830 s.f.</u>
Min. Lot Width <u>200 ft.</u>	<u>213 ft.</u>	<u>-</u>
Reqd. Front Yd. <u>60 ft.</u>	<u>car wash 39 ft.</u> ***	<u>car wash 21 ft.</u> ***
Reqd. Side Yd. <u>30ft/</u>	<u>27 ft/</u>	<u>3 ft/ +</u>
Reqd. Rear Yd. <u>30 ft.</u>	<u>17.0 ft.</u>	<u>car wash 13.0+</u>
Reqd. Street Frontage* <u>n/a</u>	<u>n/a</u>	<u>-</u>
Max. Bldg. Hgt. <u>5.7 ft.</u>	<u>12.2 ft.</u>	<u>6.5 ft.</u>
Min. Floor Area* <u>n/a</u>	<u>n/a</u>	<u>-</u>
Dev. Coverage* <u>n/a %</u>	<u>n/a %</u>	<u>- %</u>
Floor Area Ratio** <u>0.50</u>	<u>4%</u>	<u>-</u>
*** Canopy: Reqd. Front Yd. <u>60 ft.</u>	<u>RE. 94-24 ft. 56 ft.</u>	<u>RE. 94-36 ft. 4 ft.</u>

* Residential Districts only

** Non-residential districts only

O/S Parking 5

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

See attached for this information.

VI. Sign Variance: n/a

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) ^{n/a} Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) ^{n/a} What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation: n/a

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

- (b) Describe in detail the proposal before the Board:

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Applicant intends to rebuild and upgrade property, eliminating service station and adding a car wash facility and convenience store on the premises. Applicant intends to add a considerable amount of attractive landscaping including trees and shrubs along the perimeter of the property.

IX. Attachments required:

- ☒ Copy of letter of referral from Bldg./Zoning Inspector.
- ☒ Copy of tax map showing adjacent properties.
- ☐ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☐ Copy(ies) of sign(s) with dimensions.
- ☒ Check in the amount of \$50.00 payable to TOWN OF NEW WINDSOR.
- ☒ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date June 24, 1991

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

(Applicant)

Sworn to before me this

day of June, 1991.

XI. ZBA Action:

(a) Public Hearing date

(b) Variance is

Special Permit is

(c) Conditions and safeguards:

A FORMAL DECISION WILL FOLLOW WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS.

Mobil Oil Corporation submits that its application meets the test of practical difficulties as defined and set forth by the Courts of the State of New York.

PRACTICAL DIFFICULTIES

The first question is how substantial the variances are in relation to the requirement. The minimum lot area required is 40,000 s.f. Applicant has 38,170 s.f. available which leaves a 1,830 s.f. lot area variance to be requested from the ZBA. Even if measured against the absolute standards, the measure of relief sought in this specific area is not substantial. The required front yard in a C zone is 60 ft. Rebuilding and renovating the property with the elimination of the service station area by creating a convenience store and car wash results in the need for a 21 ft. front yard variance for the car wash and two additional front yard variances of 36 ft. (Rt. 94) and 4 ft. (Rt. 32). The Zoning Board of Appeals must take into consideration the fact that a proposed plan was submitted previously to the Planning Board which did not require any variances from the ZBA. The Planning Board recommended that this plan be revised to ensure safe traffic flow, thus creating the need for the application of several variances. The Board is requested to also consider the fact that the Applicant granted a gratuitous easement for construction of the town's sewer line. This easement area must be deducted from Applicant's total lot area. The required side yard is 30 ft. in a C zone. Applicant has available 27 ft. of side yard and must apply for a 3 ft. side yard variance which in itself constitutes a minimal request. The bulk regulations in a C zone, and more specifically, the rear yard requirement is 30 ft. Applicant proposes a mere 13.0 ft. rear yard variance request for the construction of the car wash with 17.0 ft. proposed or available. In order to comply with the maximum building height requirement in the C zone, Applicant would be allowed to construct a building which was 5.7 ft. in height. The Board would have to agree that this is totally impractical leaving Applicant no alternative but to request a 6.5 ft. building height variance in order to comply with the bulk regulations.

The second area of inquiry is the effect, if the variances are allowed, of the increased population density thus produced on available governmental facilities. None of the requested variances would have the effect of increasing population density. Even if that were the case, which it is not, there would be no increase in the demand on public facilities beyond the demand which can readily be met.

The third area of inquiry is whether a substantial change will be produced in the character of the neighborhood or a substantial detriment to adjoining properties created. The Applicant believes that the granting of the above variances would strengthen the character of the area since the entire parcel will be rebuilt, renovated and beautifully landscaped.

The fourth area of inquiry is whether the difficulty can be obviated by some method feasible for the Applicant to pursue

other than the variances. For the Applicant to develop the type of project it seeks, the variances are necessary. The Applicant proposes to completely reconstruct and renovate the building. The design of the traffic flow on Applicant's property has been carefully engineered to enable single entry and exit on Rt. 94 for better safety buffer on the stacking lane. Since applicant has improved the traffic flow with the requested changes from the Planning Board, there will exist with the new proposed plan a much improved element of safety.

The last area of inquiry is whether the interest of justice would be served by allowing the variances. Since Applicant's commercial property fronts on two major highways in the Town of New Windsor and is located at a busy intersection, to shift the location of the building which is proposed would destroy the visual effect of the building on the property in relation to the road frontage and could seriously impact adversely on the traffic flow.

ECONOMIC INJURY

Since the DOT has undertaken a project of reconstruction of the highway on Route 32 and 94 in the Five Corners area of town, as a practical matter, it would be more economic for applicant to rebuild and renovate the existing facility at this time rather than at a later date. In today's competitive environment, renovation and modernization is not only a requirement for most commercial establishments to better serve the public but may be a requirement to remain in business. The plan proposed by the Applicant has no adverse impact upon the public. It serves to increase the quality of the zone and upgrade the needs of the community. While it would be difficult to proceed with the plan while maintaining strict adherence to the local law, the intent and spirit of the Zoning Local Law is fostered by the plan as proposed.

Mobil Oil Corporation

February 8, 1990

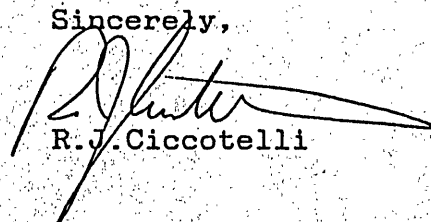
Kartiganer Associates
555 Blooming Grove Tpke
New Windsor, NY 12550

Mobil Oil Corporation
Authority To Act As Agent

To Whom it May Concern:

This is to confirm that Scott Kartiganer of Kartiganer Associates is authorized by Mobil Oil Corporation to act as an agent of Mobil for the purpose of applying for and obtaining all required permits and approvals associated with assigned construction projects.

Sincerely,



R.J. Ciccotelli

7-8-91

PRELIMINARY MEETING: MOBIL OIL CORPORATION

MR. FENWICK: This is a second preliminary. This is a request for (1) 1,830 square foot lot area, (2) 21 foot front yard (car wash), (3) 36 foot front yard on Route 94 (canopy), (4) 4 foot front yard on Route 32 (canopy), (5) 3 foot side yard, (6) 13.0 foot rear yard (car wash), and 6.5 foot building height for purposes of rebuilding of service station with the addition of a car wash at Five Corners in a C zone.

Scott Kartiganer, P.E. came before the Board representing this proposal.

MR. KARTIGANER: The colored rendering is slightly different. Basically the whole plan hasn't changed. We have just added the variance table as requested at the last meeting. This is our second meeting. Came back, submitted the notice of disapproval of the site plan again as requested. Reiterating all of the variances that were required. I don't know if everybody was here the last time, just go over it again briefly.

To reiterate what we went over the last time, the purpose for the lag of the way we have laid out the site is for the best internal arrangements inclusive of the car wash and the M.P.D.'s. What we have done is mostly at the request primarily of the Planning Board, our first submittal was to the Planning Board, included everything within setbacks and whatnot. But, with the slight variances that were requested, gives it a cleaner internal movement. Also, we have eliminated an already approved by the way outlet onto Route 94 that's here. I think it makes it quite a safe improvement over here in this area. We have put the storage, we have created a great deal more storage for the car wash as opposed to doing it in the opposite direction. We have also moved back this entry from Route 32 onto the station a little farther back than what the DOT had requested.

The area variance was basically of our own making because we granted an easement for sewer to the town.

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I think this was a gratis easement and now they deduct it from our area which makes it a nonconforming lot. I think we can get by with that. As far as anything dealing with the height variance, that's basically a function of the setback variance of the, for the car wash for the height because that, that's more of a formula function based on the number of feet away from the rear yard and that's how the height is determined so that variance is a function of that. What else can we tell you?

There's an existing variance on the parcel for the canopies. These are actually quite a bit of an improvement over the existing site plan. This has been a full upgrade safety improvements, full fire up to code, new tanks in the ground. These are where the existing M.P.D.'s are. Ours are quite a bit farther away than what these existing ones are.

MR. TORLEY: What about the sign, you said existing sign?

MR. KARTIGANER: We are just going to keep the existing sign there.

MR. TORLEY: Do we need that? That's a nonconforming sign, it's not 15 feet back.

MR. FENWICK: They are not changing it. They are not taking it down, not doing anything with it so just leave it.

MR. TORLEY: It's a lot nicer.

MR. KARTIGANER: It's going to be a lot nicer than what is existing.

MR. TORLEY: We initially provided a site plan to the Planning Board.

MR. KARTIGANER: This one really works very well from all standpoints.

MR. TORLEY: Planning Board for reasons of traffic flow, wanted it modified. That is why you're here for the variance?

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MR. KARTIGANER: Exactly. We have submitted several to the Planning Board. What would have happened, why don't we go back to this other one. What we have done is since we do have an easement here, we have tried to keep the car wash outside of this setbacks of the easement itself so that if any work has to be done on the sewer line, it can. The only other way we would have been able to do it was flip the car wash around, which would have, which we would have had to take advantage of the closer entry to Route 94. It's a good use of the space that's on the property and I think that if this is a dangerous corner and we are trying to keep, you know, the safety as much as we can, take advantage of that. And it's also quite a wellrun station. We're putting in some large islands, doing some extensive landscaping and I think really we tried to take advantage of the aesthetics of the site fully. Our islands are larger than the DOT's islands and we'll be putting grass instead of concrete.

MR. TANNER: I just wish they could design the car wash buildings with a little more flair. It's like a box that was dropped there.

MR. KARTIGANER: That's really what it is.

MR. TANNER: That's what it looks like.

MR. LUCIA: One issue the Board might want to consider on the car wash, I think, I don't think it's a problem but this property is zoned C and the use is by right, use A1 would include retail stores, which is fine. Use B5 includes a gasoline filling station and service and repair garage. Neither of those are exactly defined, slight change in wording. The ordinance, that Section 4837 defines gasoline service station, which certainly is what they intended, I think there are a long list of uses for gasoline service station, including washing and lubrication services. My feeling is that when this was drafted, probably that was back in the days when you had a three bay garage, and a separate freestanding car wash is obviously something different. The only reason I raise it is whether or not you deem that use to be included under the definition of gasoline service station.

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MR. FENWICK: Do you know if that use shows up any other place in the code?

MR. LUCIA: Not that I'm aware of.

MR. TORLEY: Certainly seems reasonable to be part of the gasoline station.

MR. LUCIA: It may be just a change in technology from the days where all garages had a wash bay as one of several bays but I just raise it because it's something you want to handle. If we deem it to be included, he's fine. He's on his way with his requested area variance.

MR. FENWICK: Whatever the other Board members feel that I feel it's, it says car wash, they're washing the vehicle. It doesn't say how they want to wash it or whatever, could be a hose hanging from a post so --

MR. TANNER: That's my feeling.

MR. NUGENT: Mine too.

MR. TORLEY: What about other signage, do we have a problem with those?

MR. KARTIGANER: All the other signage as well within, we do have some photographs, we checked that.

MR. TORLEY: We have a somewhat archaic sign code. I wanted to make sure we had that nailed down.

MR. FENWICK: Is Mobil the owner of this property?

MR. GARY HUGHES: Yes, that's correct.

MR. FENWICK: Certainly looks like you have done everything we have asked for.

MR. NUGENT: What did you ask him to do?

MR. FENWICK: A lot of these things weren't on here. Address the variance tables, there was a couple other problems that were not addressed at the last one. The canopy was not addressed. How far away off the property line that was. The reason why they have a variance to

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be a lot closer to the line than they are actually going to be from where pre-existing and we did give that variance but the problem was pointed out by Dan is they are taking that down so that variance dies with the structure so we had asked them to address everything and it looks like they have done that. I don't -- I've looked over this and I don't think they have missed anything. And I think, just taking a quick look at this and in effect, if it were squared off, the piece of property the town took as an easement in excess of 2400 square feet and square footage they only need is 1830 so they were --

MR. NUGENT: Robbed?

MR. FENWICK: Yeah, they were robbed, probably.

MR. TORLEY: I think they have done a nice job.

MR. KONKOL: I'd like to make a motion we set them up for a public hearing.

MR. FENWICK: I'm going to have our attorney give you what the prerequisites, what the criteria you're going to have to meet for this area variance and these are the things you're going to have to address at the public hearing.

MR. LUCIA: Okay, on your area variance, the legal standard is something called practical difficulty. That's what you have to establish for this Board to grant your requested area variance. That involves a proof by you of significant economic injury from the application of the ordinance to this parcel. I'll leave it up to you, whether you want to bring in real estate appraisal report or your own real estate appraisor to show why it is unique to operate the site at present and why it's more economic to operate it with your suggested changes at this point.

MR. HUGHES: Is that on the overall design?

MR. LUCIA: The complete operation of the site, why you do not get a reasonable economic return from the site as it is presently zoned and configured as opposed to what it is you want to put in there.

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MR. KARTIGANER: Things like safety and risk?

MR. LUCIA: Safety is certainly a relevant factor. The fact that DOT may have started you on some of this because of widening the road so it's more economic to do it now as opposed to later. That's all relevant. Approved traffic flow and safety you went around with Mark Edsall on the layout, if this is the most effective way of handling it from a safety standpoint, by all means say so.

MR. KARTIGANER: That would be under the guise of practical difficulty, it doesn't have to be dollars and cents on this?

MR. LUCIA: Practical difficulty is mainly dollars and cents argument but certainly other factors enter into it and this Board would be happy to hear about it. I'd like you to bring photographs of the site. We would like to see some photographs of the site as it exists now and a copy of your deed for the property and a title policy.

MR. HUGHES: Understand.

MR. FENWICK: Motion on the floor.

MR. TANNER: I'll second it.

ROLL CALL:

Mr. Torley	Aye
Mr. Konkol	Aye
Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye

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PUBLIC HEARING: MOBIL OIL CORP.

MR. FENWICK: This is a request for (1) 1,830 square foot lot area, (2) 21 foot front yard (car wash), (3) 36 foot front yard on Route 94 (canopy), (4) 4 foot front yard on Route 32 (canopy), (5) 3 foot side yard, (6) 13.0 foot rear yard (car wash), and (7) 6.5 foot building height variances for purposes of rebuilding of service station with addition of car wash/convenience store at Five Corners in a C zone.

Scott Kartiganer, P.E. and Gary Hughes came before the Board representing this proposal.

MR. KARTIGANER: We have been working on this project for a while. Just to go over for those who haven't heard it before --

MR. FENWICK: If there's anyone in the audience here in reference to this Mobil Oil, would they please sign the sheet.

MR. KARTIGANER: The purpose of this variance request is to request a setback and primarily a setback in height variance for a car wash structure on the property. Also some setback on the canopy and slight area variance. The reason that the structure had been located where it is it provides for a better primarily provides for a better internal circulation pattern around the buildings and creates a better and safer exit and entry from both 32 and 94.

This arrangement was preferred by the Planning Board at the May 22, 1991 meeting after we reviewed several tentative plans. One of those, several of them did include ones without any variance or setback or height variances. What should be noted and what was taken into consideration in this arrangement as presented by Mobil is that it provides for only a single entry and exit on a busy Route 94, storage lane at the Vails Gate intersection. Currently, we have two entrances at this intersection. We'd be using the one and much farther back. This is in lieu of the two that we are allowed by the DOT. We feel for our own station that it makes for a better traffic pattern and safety is very important. Should be noted that Mobil intends to do extensive landscaping. We are not showing landscaping here. I

have the landscaping plan, even in excess of what is required by the town and by the Board. The full landscape area we recognize this is an important juncture.

The area variance is due to a request by the Planner that we take off this 30 foot sanitary easement through the site from our net area. The overall site originally met all the area variances. This was something that was given to the town gratis. We didn't realize it was going to put us into an area variance situation. The overall canopy area, our setback, as it exists now at the site, has already has an existing variance to it. The variance that we are requesting with this one we can make that a less of a variance request.

Economically, this is the request of the Board, we need to upgrade and modernize the site to 1990 standards to remain competitive with generally in the marketplace. The access, one of the functions is access of the internal flow would make greatly makes people come to the station, they can get in and out of it easier. In this time of litigation, it's a function, our liability whatever we can do to enhance the safety and make ease of storage internally keeping the cars away from the road which we have done in this scenerio greatly reduces the risk of liability, corporate exposure. That's all I have.

MR. NUGENT: One thing you left out for the audience in particular was that the lot was going to be leveled to start off with.

MR. KARTIGANER: Basically, we're redoing the entire site. We're taking down the existing gas station, taking out the existing pumps. We're taking out tanks, it's totally taking it down to scratch, rebuilding the whole entire station brand new. Curbing, landscaping, building itself, pumps, it's a full rebuild of the station.

MR. FENWICK: Just want to read this for the record from Orange County Planning and Development. This is part of the application where it has to go to the County because it borders a County or State road. Comments from the Orange County Planning Federation is that there are no significant intercommunity or countywide concerns to bring to your attention.

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MR. LUCIA: I think that's the Orange County Planning Department.

MR. FENWICK: Oh, yes, it says Orange County Planning and Development.

MR. HUGHES: Last meeting you, asked us to provide a large blow-up of the site. As you can see --

MR. KARTIGANER: This is what it looks like now as it's existing.

MR. HUGHES: It's somewhat, kind of ugly when you look at it, it's not very appealing at all and it's outdated, just not in keeping with the station.

MR. FENWICK: Is there any other questions from the Members of the Board?

MR. KARTIGANER: This is the proposed site computer generated without the trees or landscaping so you have to fill them in.

MR. HUGHES: Basically, what I did is I took a picture of the site right there, I scanned it into the computer and then we erased the station that is here basically all these different things and then superimposed what we're going to build in the meantime and that's if you'd like to look at that.

MR. NUGENT: One thing I think that ought to be brought out, there are no service bays in this new plan, there's what three or four now?

MR. HUGHES: How many are there now?

MR. FLORIO: Three (3).

MR. NUGENT: There will be none?

MR. FLORIO: Right.

MR. FENWICK: Strictly going to be a gas station/convenience store/car wash?

MR. HUGHES: That's correct, yes.

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MR. FENWICK: Wouldn't be any storage of vehicles on site? There's no repair work being done?

MR. HUGHES: No.

MR. FENWICK: Will you be doing any repair work?

MR. HUGHES: I'm sure the only cars parking there will be those using the market. We have Mr. Florio here.

MR. FLORIO: My name is Tom Florio.

MR. FENWICK: What is your interest?

MR. FLORIO: I'm a principle in the corporation.

MR. LUCIA: Mr. Florio, not Mobil Oil Corporation?

MR. FLORIO: Advanced Automotive.

MR. LUCIA: You'll be leasing the station from the owner, Mobil?

MR. FLORIO: Correct.

MR. FENWICK: Is this going to be 24 hours?

MR. HUGHES: Car wash, the whole station will be open 24 hours of service, that's correct, yes.

MR. FENWICK: Seven days a week?

MR. HUGHES: Yes.

MRS. BARNHART: I have an Affidavit of Service by mail here where on July 10th, I sent out 29 addressed envelopes.

MR. FENWICK: I'll open it up to the public. Try to be brief, give your name and address, please.

GREG SHAW: May I approach the Board?

MR. FENWICK: Sure.

MR. SHAW: My name is Greg Shaw from Shaw Engineering. Tonight, I'm representing Fred Gardner and Herb Slepoy who are adjacent property owners to this site. They own

the land of Pizza Hut. As this Board is aware, Vails Gate is a very busy intersection. So busy that the State is spending approximately four million dollars in improving and upgrading the traffic circulation.

As I mentioned, my client owns Pizza Hut which is to the rear of this property. It's lower in elevation than the Mobil Oil. There's a big difference between the before and after photos of this proposed project. Before you'll be able to see Pizza Hut very clearly and distinctly. After this car wash is built, you'll not be able to see Pizza Hut from the Five Corners intersection. Again, I brought out to the Board that the Five Corners is a very valuable commercial area. And to take that visibility away from Pizza Hut to allow these gentlemen to encroach on the front yards, side yard and building height variances, is really unfair to my client. You're asking for many variances tonight but our primary objection is to the car wash.

Again, you're encroaching on the front yard which again is going to effect our visibility. The side yard also. The building height variance is being requested, Pizza Hut being lower in elevation, I believe this computer generated perspective is not correct. You're just going to see very little of Pizza Hut that which is above the car wash and the Mobil Mart and that which is below the canopy.

In the presentation made by the applicant, I didn't hear a discussion on economic hardship, on practical difficulties, on effecting real estate values in this area. I think the Board now can see that it's dramatically going to effect the Pizza Hut property. I mentioned before about the New York State DOT, the curb cuts that the project is going to generate are they existing curb cuts or new?

MR. KARTIGANER: The new project?

MR. SHAW: Yes.

MR. KARTIGANER: Our project is utilizing one existing one, there's existing four curb cuts out there now. We're reducing that down to three. One on 94, between setback closer to the farthest back setback. Currently, the DOT is installing the curb cuts as they designed on

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the highway cause we have an existing operating station at this time.

MR. HUGHES: This is what they have here now, one here, one here and two in the front as well so this intersection being so close to this corner right here, this being a major avenue, it's relatively unsafe.

MR. SHAW: My point, Scott, let me ask the question, has the DOT reviewed this project that being the three uses which are now going to be encompassed on this one site with respect to the existing curb cuts?

MR. KARTIGANER: They are currently reviewing this one. This was a field modification we had requested this slight change because it doesn't effect our entry and it's farther away. So far, we have had very positive response from the DOT, as far as moving just a singular road entry from that direction.

MR. HUGHES: I think what you're asking, if I'm not mistaken, has the DOT seen this with the car wash?

MR. SHAW: Correct.

MR. HUGHES: Yes, they have.

MR. SHAW: Cause your concern, all right, is before you had the gas business and a small mini mart, am I correct, and now we're throwing this third business, that being the car wash onto the site. The traffic patterns are going to be substantially different and again with the money that's been pumped into the intersection to try and straighten out the traffic problems, I think getting their input on this site plan would be appropriate also.

MR. KARTIGANER: They're currently reviewing that. The initial response has been most favorable. Mostly because it will be taking back the entry, this 94 entry that currently exists.

MR. HUGHES: Are you concerned about the congestion where just so I understand?

MR. SHAW: In and out of the overall parcel, it's relatively small, you're going to have many bays for gas.

MR. HUGHES: Well, there's four islands right and obviously the smaller one with the access into the car wash.

MR. SHAW: Four plus the mini mart plus the car wash, that's quite a bit of activity on a site that's approximately how large?

MR. HUGHES: About an acre.

MR. KARTIGANER: It's a full size.

MR. SHAW: I think this Board, my recommendation would be to get some input from the New York State DOT with respect to the circulation and the use on this property.

MR. FENWICK: The use is appropriate. It's not something we're addressing. Everything we're addressing is area.

MR. SHAW: I realize that. Maybe the intensity of it again right now you have one and a half businesses and you're really doubling it, the amount of traffic that this site is going to generate is going to be substantially different than what it is right now. I think that is my point.

MR. LUCIA: Also assume the Board grants them the variances for this proposal they still go back to the Planning Board because you still need a special permit to operate a gas station. Is that correct?

MR. KARTIGANER: Correct.

MR. LUCIA: I believe the car wash requires 21 foot front yard setback. If it were constructed in a conforming manner, in other words, further back from 94, would that still partially impact your clients?

MR. SHAW: I think it would impact my clients but if they were consistent with the zoning, maintaining the front yard setback, maintaining the side yard setback.

MR. LUCIA: One at a time, just the front yard?

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MR. SHAW: I think all three are tied together because the building height is tied into the nearest distance to the nearest lot line.

MR. LUCIA: And the rear yard, if that were made to conform, would that actually worsen the client's position if that building were pulled out towards 32?

MR. SHAW: I'd have to see the plan. I can't tell from this drawing. I can't react to that that quickly.

MR. LUCIA: Similarly on the variances requested on the canopy which would be front yard which is the only one relevant to you, that's the 46 foot request on the canopy, did the applicant say that that was actually a lesser variance than the existing variance?

MR. HUGHES: Yes.

MR. KARTIGANER: Really, yes.

MR. SHAW: Our only request on the canopy is that it be as high as the existing canopy, the fascia depth not exceed the existing fascia depth. If you were to look at this perspective trying to see where Pizza Hut is in the rear if this canopy was lower, we'd get blocked out. If the fascia depth is deeper, we'd get blocked out. So, our, we really have an objection to the canopy we'd like to see it as high as the existing canopy and the fascia depth be no deeper, we'd like to maintain the canopy that we presently have under the existing canopy, the front yard setback we're really not concerned about.

MR. LUCIA: The rest of my question is if the variance request is lesser than the existing canopy, are they really improving the client's visibility?

MR. SHAW: I really don't think the front yard setback comes into play. If the building is, you're correct, the existing canopy encroaches out to 94 greater than what I believe the proposal is before this Board so we can again we're not taking an objection to the front yard setback to the canopy.

MR. LUCIA: Thank you.

MR. SHAW: As far as your other question, if this building was moved in this fashion --

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MR. LUCIA: Both I guess to the lower left corner of that plan would that be pulled away from the rear line away from 94?

MR. SHAW: The car wash, the limits of the car wash in order for it to conform, we'd have to slide in this particular fashion which would open up the front yard, okay, at that point, I don't think we'd have much objection.

MR. HUGHES: Unfortunately, we have the easement for the sewer line there.

MR. SHAW: That's why I think you have an awful lot going on at one time on this site.

MR. KARTIGANER: Take a look at it now, the photo is deceiving. Where he's going to put the car wash, he's going to almost directly be in front of where this Pizza Hut is. I hope you can see where this is taking slightly off of the visibility plane. If you came up 94, we still had the visibility coming from the right side of the road.

MR. SHAW: Our position is that you're on Route 32 sitting at the traffic light looking at this intersection and with this new car wash being built as it is shown on the plan, Pizza Hut is going to be blocked out.

MR. FINNEGAN: Would the sign of the store be blocked out without Pizza Hut sign or building?

MR. SHAW: Pizza Hut property is about 5 feet lower than Mobil. You cannot see the side walls of Pizza Hut from this intersection. What you do see is the roof and the words Pizza Hut across the front of it. That's located, that's the trademark which when you pull up at the intersection that's what catches your eye.

MR. FINNEGAN: Can you see the sign?

MR. SHAW: The sign of Pizza Hut, I can't attest to that. I didn't focus in on that.

MR. FINNEGAN: There's one on the Pizza Hut roof?

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MR. SHAW: Correct, the words are right across as presently exists.

MR. FINNEGAN: So Pizza Hut has two signs, the sign itself and the one --

MR. FENWICK: We have Mr. Schiefer in the audience who is the Chairman of the Planning Board. Carl, I'd like to ask you a question about this. We were led to believe that there's been several plans put before the Planning Board and this is the one you liked the best.

MR. SCHIEFER: There was a discussion on the plans and this was the one that was picked at the time. However, I have heard all kinds of opposition. You're only hearing part, you're going to hear from the other industries on the other side that are also here. That's the reason I'm here to see what the reaction is. There were several submitted and this is the one that was chosen for traffic. Now, the other things that are being brought up now were not considered.

MR. FENWICK: As far as the sign or anything else --

MR. SCHIEFER: That's the reason I'm here. I heard the opposition is coming and I know when they come back, I want to be aware.

MR. TORLEY: Are you ascertaining you have the right to be seen across somebody else's property?

MR. SHAW: What I am saying is that the visibility of my client's property should not be diminished because the neighbor requires a variance and is deviating from the New Windsor zoning ordinance.

MR. TORLEY: You're also saying that you're requesting that he keep his canopy over the gas station a certain height and everything else?

MR. SHAW: Correct.

MR. TORLEY: Are you ascertaining that you have a right to be seen across somebody else's property?

MR. SHAW: What we are saying, as the conditions presently exist, we have a certain degree of visibility on that project. We don't think it should be diminished

because a neighbor wants to deviate from the zoning ordinance, all right, and construct something that is not consistent with the New Windsor zoning code. That's our position. Vails Gate is a very attractive area for commercial businesses. And to have that attractiveness diminished, I don't think is unfair to my client.

MR. HUGHES: I see what you're saying. I don't think we're trying to detract from the area itself. We're really trying to enhance it. We're spending millions of dollars a year trying to figure out how to improve and stay up to par with what is going on. One thing that has come into play, especially in the Danbury area, I'd be more than happy to provide to you the name of the dealer and the person who's in charge of the pizza place that they have a deal worked out where they pull in for gas, they get, you know, discount to go in and get pizza or McDonald's or something and I have spoken to both Tom and Matt, the dealers out there and they are more than willing to do something like that or get a dollar off of gas and it works out good for everybody so that you're all kind of as a team, which is what businesses today, you know, better improve everyone. I think they were very receptive. It's working very well in Danbury. I suggested that to Matt and he's for it and I'm sure that Mobil would even be willing to publicize it. They spend close to \$15,000 publicizing the activity in Danbury, Connecticut. Having things like Teenage Ninja Turtles and Mickey and Minnie Mouse for different events and Mobil paid for all of that but it was beneficial to everyone, even the pizza place right next door to help out. I mean, we're not, it seems like we're kind of a bad guy but we don't want to do that. We want to improve everything so hopefully it will be a good relationship.

MR. SHAW: Can you develop your site and reduce the variances that you're requesting? Can you come up with another scheme where the request for the variance aren't as great, that's one of the requirements of this Board, it's been asked of me and my applicants on many occasions.

MR. KARTIGANER: We have brought several plans in front of the Planning Board. This has been in front of the Planning Board, as far as the overall design, you know, and this was what we worked out with the Planning Board after a number of sessions, internally as far as

working, working with the intersection, working with the general flow of the site. This is what we came up with as being the best design. Just some things I want to point out. We tried to minimize. Obviously, we don't try to make variances, we work within the variance but if we move to do a variance, if we can come in with a slightly better design. What I'd like to point out to Greg is that the building while this main building that you're putting in the convenience mart is quite a bit smaller than the existing building and you don't recognize it's, I'm not arguing with your point, I'm just trying to bring up things that you can see that this actual building is quite a bit smaller than the three bay garage.

Also, when we moved the car wash, you had granted, you can move it back a little farther off of this road here but it's going to be a little farther, it's going to have that perception at least from this direction a little larger, actually blocking out and now we try to do the best we can, give a visual picture of this. It's computer generated design obviously I think when I was talking to Gary, some of the things that have been brought out exactly what happens to the structure and it's very visual and we're trying to be up front about it as much as possible. It's the intention of Mobil to try to put a car wash and visually I think it may be a hinderance to bring it besides internally for us for all the reasons that I explained, it's a better design.

MR. SCHIEFER: I think the answer to the question is some of the alternate plans although for other reasons they weren't as desirable would have called for less variance as I recall. The answer just a simple question, the answer to that question is yes.

MR. FENWICK: What I'd like to do at this time, we know what your concern is and I'd like to get some other people and we'll get back to you, unless you have something different to say.

MR. SHAW: I'd like to leave the Board with just one thought and I'll sit down. The fact that this applicant is asking for how many variances, seven?

MR. FENWICK: Somewheres in that neighborhood.

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MR. SHAW: I think that tells the Board there's too much going on with this site. You're not looking at one variance, you're looking at seven, maybe it's not appropriate that that, that each activity be generated on this parcel.

MR. GARDNER: My name is Fred Gardner, I'm one of the owners of the adjoining property on which Pizza Hut is located. I presume this young man represents Mobil?

MR. HUGHES: Yes, I do, Gary Hughes.

MR. GARDNER: One of the items Mr. Shaw brought up was hardship which I understand is one of the necessary items that this Board must consider.

MR. FENWICK: Not particularly for this variance.

MR. GARDNER: My question to Mobil is Mobil pumping an insufficient amount of gas so that it's necessary for them to put in a car wash?

MR. HUGHES: I think the car wash, no, the answer to your question is no.

MR. GARDNER: I'm aware of that by the way, okay, let me ask you another question. The car wash, where's the water going to go?

MR. HUGHES: It's all contained in a reclaim system and John Knox is from Ryco (phonetic). I'll let him be the expert on that since he is, if you don't mind.

MR. FENWICK: We're actually going beyond what we want to talk about.

MR. GARDNER: It's an important factor and the factor is that they cannot recycle 100% of the water. They may recycle 90%, unless I'm incorrect and this gentleman will undoubtedly correct me. Where's the other 10% going? We're 5 feet lower, it's going to go off to the side now they certainly wash outside of the building before it goes in. What do they do after it comes out? Where is that map showing?

MR. HUGHES: On here, this is where they come out with the water. All the water that comes out is caught in here, comes out, this is the catch basins here and it

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comes down through this drain, runs out this way. Doesn't go to the rear at all, comes down.

MR. GARDNER: Is anyone wiping the cars as they come out?

MR. HUGHES: They have a blow dryer.

MR. GARDNER: Inside the building? Okay, when they come out of the car wash, they go here, when they go out of the pumps, they also go here.

MR. HUGHES: From here, the dispensers are here.

MR. GARDNER: Those are the only dispensers you have?

MR. HUGHES: There's four islands right here.

MR. GARDNER: If someone wants to get out onto 94, where do they go?

MR. HUGHES: They can come this way.

MR. GARDNER: Same way as the car wash people can, is that correct?

MR. HUGHES: Yes, they can do that, yes.

MR. FENWICK: We'll let you briefly describe what happens to the water.

MR. KNOX: The unit is 100% recycled. There's no washing done outside the bay. It's all involved inside the bay, no preparation. Vehicle enters, stops, machine washes it and it exits. No vacuuming or preparation outside and it's 100% recycled. As well as my company, as well as a number of other companies do it.

MR. FENWICK: Closed-door system?

MR. KNOX: It can be during the summer time, we normally leave the doors open. In the winter time, the doors are closed in order to retain the heat.

MR. GARDNER: What I just asked the young man Gary, I think there's going to be a problem on 94 with that one exit there which ordinarily he's going to have to be an entrance as well. And they are going to come from the

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MR. KNOX: Forty (40) to fifty (50) cars per day is what the other five units we have in Newburgh are washing currently.

MR. HUGHES: Forty (40) cars a day, maybe three or four.

MR. ANDRIUOLO: Any cars after 40 I'm going to get the money, let's be practical. I ain't a jackass. I want you to remember this. I wanted to put a car wash in my location. I figured out every car that goes through the car wash right next to the Vails Gate and right in Newburgh so I know there's not 40 cars a day because if you are talking about \$5.00 a car, what are you making? You're going to keep a car wash for \$400.00? No way and I figured it out because the car wash costs \$150,000 to build.

MR. KNOX: No but you're getting there.

MR. ANDRIUOLO: This is what I'm talking about. My point is as I say I'm here only for one thing but I think the car wash is too much on one location as the gentleman said we're talking about seven variances on one spot.

MR. FENWICK: Thank you.

HERBERT SLEPOY: My name is Herbert Slepoy, Valley Stream, New York. What I object to --

MR. LUCIA: Are you also a co-owner of the Pizza Hut site?

MR. SLEPOY: Yes.

MR. LUCIA: Thank you.

MR. SLEPOY: What I object to is that the number of requested variances to accomplish what the way I see the site, they are taking a very successful gas station and now they are trying to make it even more profitable than it is presently. In my mind, that's the only thing that's really accomplished. The fact is that the DOT at this point has no knowledge of this happening. I have checked. It was suggested that perhaps that the DOT traffic and safety group be queried as to what they feel will happen to an area such as this which they are

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pumps and they are going to come from the car wash to get out there and you're going to have difficulties on 94.

MR. FENWICK: No doubt in my mind. I'd like to hear from someone new.

CARMINE ANDRIELLO: I'm Carmine Andriello, I own the property on Forge Hill Road on 32. I don't know, I'm here only because my son, you know, they're going to put another convenient or whatever they are going to put across the street.

MR. FENWICK: This is Sitco.

MR. ANDRIELLO: I figure myself lucky to be here tonight because as far as this is concerned, you're talking about the Five Corners. I'm over six and a half years, I live in Cornwall and that's my route to go home. The car wash in that location, I'm not trying to be against it because on anything the car wash in that location with the future is absolutely wrong. This is going to create, besides that, I live in New Windsor and I care for New Windsor. I belong to the community and I try to do everything to help the community but I would not do anything or stand by the people to profit out of this location. I'm referring only to that location. The other location so I think right there as far as I was told, they only should be a convenience store and gas, you know. I hear there's going to be a car wash. I already put up, I go home every night after work, I work so hard in New Windsor and I care for New Windsor and I don't think people should suffer to go home. If you look the way they want to put it that traffic of the car wash and the gas station is going to be right on that corner. One thing I love is if there's an accident I make money, I understand but I do not want to see a commercialized spot with people aggravate themselves to go home on anything that's the only thing. As far as they want to put a Dairy Mart there and a gas station but once you put a car wash in that location or any location on the Five Corners because we already have a car wash and we can't go through that and how many cars a day go to wash everyday?

MR. HUGHES: It runs about and I have the figures written up, correct me if I'm wrong, John, but it will be about five to six cars per hour.

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now presently developing and immediately will become obsolete upon development of this car wash. It boggles my mind to take a successful station and try to make it even more successful on the backs of the general public, including those who adjoin them, who live in the area, people who come in the community, in the area. They have been there for 20 years. The name of the game is develop more. If I were an oil company, I undoubtedly would do the same but that isn't what Vails Gate wants.

FLOYD SCHOLZ: My name is Floyd Schultz, I'm with McDonald's. I just want to ask a couple questions. The height of the canopy presently is it going to be the same height or lower height or --

MR. HUGHES: It will be approximately that height.

MR. SCHOLZ: What do you have now?

MR. HUGHES: Right now, it will be almost identical.

MR. SCHOLZ: Lower or higher?

MR. HUGHES: Plus or minus 6 inches.

MR. SCHOLZ: My only problem is if you're down the road, you can't see my sign at all and before the canopy was put up, I had good visibility. That's what we see right here.

MR. HUGHES: It actually is not pictured on that one, it's a little different angle.

MR. SCHOLZ: My point is before the canopy was put up, I was visible. After the canopy, I was totally hidden. And I think you know that's my only problem.

MR. FENWICK: This canopy is going to be farther back.

MR. HUGHES: This comes out here, this canopy will actually be back here so you'll actually see more of a sign right here. The golden arches will not be hidden. We're coming back approximately, what is it, 12 feet.

MR. SCHOLZ: Then I guess honestly I don't have any problem. I just was worried about my sign being blocked by the canopy. My road sign is relocateable, I mean,

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that's something that costs a lot of money to raise or lower that. I don't want to be hidden by that.

MR. FENWICK: Anyone else?

MR. SHAW: One, just one final comment. I want to expand on the point that Mr. Gardner made. I asked about the operation of the car wash, where it is 100% recycleable or not. How I perceive the drawings, is that there's going to be a catch basin and piping near the car wash, which is going to be dumping water on his property. I think that was the point Mr. Gardner was trying to make out and that is something that this Board or the Planning Board should take into consideration but the plan before you I believe does show a discharge point of storm water on the adjacent property.

MR. BABCOCK: From the parking lot, from the parking space, there's a catch basin the in corner of the parking space number one.

MR. FENWICK: That would be something more addressed to the Planning Board. I don't know is that a parking lot runoff?

MR. HUGHES: That's basically for the spaces here and that's it, whatever.

MR. SHAW: That's a site place issue but I wanted to reiterate what Mr. Gardner said.

MR. KARTIGANER: Apparently, a lot more drainage than that goes onto the Pizza Hut property so we're trying to minimize that as much as possible.

MR. SCHIEFER: You're aware the adjacent property does not belong to Pizza Hut?

MR. SHAW: That's correct. There's a 15 foot easement. Very small strip and then --

MR. HUGHES: Understanding that concern, I'm absolutely more than willing to have this redesigned to come over to tie in here so it drains towards the front of the property.

MR. FENWICK: Not to interrupt you, that's not going to be our concern. Our concern is in reference to the

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buildings with square footage to the property and along that line, that seems to be a Planning Board concern because no matter what there is going to be something there and it's --

MR. SLEPOY: These variances that they are requesting of you, will they set any precedents?

MR. FENWICK: No.

MR. SLEPOY: You have given this kind of height to other buildings in the area?

MR. FENWICK: No. We have no and we'll not, each case is on its own merits.

MR. SLEPOY: It sets a precedent but it doesn't?

MR. FENWICK: No precedent is set. It's each individual.

MR. SLEPOY: This will be a first happening if you permitted this kind of height?

MR. TORLEY: What we are saying each is individually looked at. There is no precedent.

MR. SLEPOY: Has other sites been approved with this kind of height?

MR. FENWICK: Sure.

MR. LUCIA: This same property has existing variances for this canopy height already. They actually are diminishing the existing variance on the canopy heights by this application.

MR. HUGHES: If I could, please, the variance that we currently have, we're actually making them smaller for the canopies, both the height because this one is a little bit lower and also on the sides, it's much farther back from the road to give greater visibility for safety.

MR. TORLEY: As the gentleman pointed out, most of the variances that are here are actually reductions because they are tearing down the canopy. We have to start over. The variance won't carry over so they are

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actually smaller variances than what they have at the moment.

MR. FENWICK: Unless they are in reference to the car wash.

MR. SLEPOY: Except the setbacks and encroachment visibility will be hampered and congestion and that.

MR. FENWICK: We have the first variances in references to the whole site. The second variance is in reference to the car wash. The third one is in reference to the canopy. Fourth one canopy, fifth one I'm not sure. I think it's the car wash 3 foot side yard.

MR. LUCIA: That's the canopy.

MR. FENWICK: Okay, the sixth one is the car wash and the last one is also the car wash because that's the building height variance. Is that correct? Is the last one in reference to the car wash?

MR. LUCIA: That's correct.

MR. FENWICK: So I believe that for in those cases, if it's in reference to the canopy, it's less than what it was before and the first one it's lot area in reference to the whole site plan and that occurred because of a right-of-way that the easement that they gave to the town across the property and due to some recent laws that has to be subtracted in the area footage and it's actually being used or paved or whatever, just to clarify it. Is there anything else from the members of the public? At this time, I'll close the public hearing. There will be no more comments from the public. I'll open it back up to the Members of the Board.

MR. LUCIA: If I could just, before you do that, Mr. Shaw anticipated me a little bit. I'd like to hear a little more from the applicant on practical difficulty, why it is the applicant needs all these variances on the site. What specifically is the significant economic injury that the applicant suffers from the strict application of the ordinance to the lot?

MR. HUGHES: Mostly in keeping up with the new technology and the developments that are coming into

play as well as, you know, future plans. We don't, once it's up, we again we spent great research money to develop something that's going to be here for a while and we'll also have been appealing and in for the long term, not just right now, make a quick dollar but the pumps that are there are very old. They also have problems with the vapor recovery there which will also help decrease the amount of fumes that are emitted into the air. So, just by not being able to keep up with technology, we lose a great advantage there as far as again making a profit, which is what basically we're in the business to do. I mean there's no two ways about that.

MR. KARTIGANER: They have studies where traffic gets increased with, when they upgrade and make a station nicer and make it more applicable to modern vehicles. I think when was the last time this was upgraded was like 20 years old.

MR. HUGHES: Yes, a little over 20 years ago.

MR. KARTIGANER: So they find that it's of economic viability to actually invest quite a lot of money to totally upgrading the station, not just from the profit but from the standpoint of as I brought up liability.

MR. HUGHES: For safety and the flow of traffic right now at the existing station, as you can see, I'm not sure where the other picture is but it's very, very dangerous, not only to as a liability for Mobil but the safety of the people who are at that corner. As you can see, people coming in from two entrances this way with two islands going along 94 and then another two coming along 32. You have cars basically coming at each other into the center with pedestrians walking in between and that in itself is very dangerous to me. It's, you know, on a liability sense, you are going to get somebody injured there before to long.

MR. KARTIGANER: This was for a different traffic stream when they built it. It was a lot less busy than what it is now.

MR. LUCIA: If I could have a focus in on the moment in modernization reduction in the vapor, why that relates to the variance you're seeking? I'm not saying it doesn't relate to increased traffic flow at the site or

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the improvement of your business but why as presently zoned, are you going to suffer significant economic injury if your expansion or your redesign had to conform to the ordinance? What's the difference here? That's what this Board needs to hear.

MR. KARTIGANER: Well, I think the primary thing, this is why, you know, I want to bring up now as far as the liability standpoint, in this plan and the design we have now allows us to at least reduce our entrance onto 94 and remove it from a farther away from that entrance. When you do a traffic study, what the tendency is now in the DOT is to try to reduce your number of entrances and exits from a large shopping center. We just did one on 32. We have a single entry and exit. Again, from our trucks coming into the site, we have it laid it so that the, I wish we had the plan of how it exits right now but right now, our trucks are actually, our fill trucks can come into the site, fill the tanks where they are located, they are not going to be located where they are located right now. It will be a little bit more difficult access and also pulling on the trucks right now they can go around to the farthest entries are on this side.

MR. HUGHES: Again, also just to make sure we hit on your question so we don't digress is one is the technology, two will also be the liability reasons and three is the visibility. It will be a much cleaner station and they'll see it where as I don't think they see the station as well now. And that causes a loss of business.

MR. KARTIGANER: That's primarily the reason, by the way, that the Planning Board liked this site as well as us is that visibility and openness of the station.

MR. TORLEY: Is there some dispute about the DOT notification?

MR. KARTIGANER: We did notify the DOT. It's currently in the process.

MR. HUGHES: I have contacted him.

MR. TORLEY: I saw you rummaging through your case.

MR. HUGHES: I keep a log of everything I do. It comes in handy on certain occasions so I can give you the exact time and date.

MR. KARTIGANER: We spoke with the DOT. We have the plans up to Region 8. We have had contact with them in fact contact with the --

MR. FENWICK: Not to get into your conversation here but it isn't really something that as far as front yard, rear yard, square footage on the property and what not, it's not going to come under any problem with this Board, as far as your entrance and exit onto the property. That's not something we have to address. We have to address area variance, practical difficulty is what we're looking at right now and that's definitely what this Board has to do. Everything else you have as far as curb cuts, everything else is part of the DOT. It's part of the Planning Board, as far as your drainage, that's part of the Planning Board. It's nothing to do with this Board. I think we're just bringing up the same thing over and over again. We have heard the concerns of the audience and I think everybody has looked at this strongly. What I'm trying to find out is to address just the car wash. We're beating around with the canopy. We have already, we know that you're less from the property line now with the canopy than you were before. It's a different setup. The building is different and that centered and really what's happening with the building isn't a concern with this Board either. That doesn't come into play with any of the variances.

The car wash however does. The car wash seems to have the greatest amount of impact. Actually, it has the, looks like the most extensive variances on it. I'd like you to address why that car wash has to go there. Why can't it be brought into -- what's the practical difficulty of moving that car wash, bringing it into --

MR. NUGENT: Why does it have to be so high?

MR. FENWICK: To bring it right into the, you know -- anyplace to get it into conform with town law.

MR. TANNER: Didn't you, at some point, state that you could put it someplace else and you didn't need a variance?

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MR. HUGHES: Oh, yes, we can bring it back inside, bring it back up into this area right here, which would conform. Again, we can't get any closer to this point. It would still protrude out here, if we put it one right on this corner and we'd still need a variance out here.

MR. FENWICK: If the variance right now the front yard variance on that is 21 feet, what prevents you from moving that back 21 feet from the road? You need how many feet from that, apparently you're 39 feet away now so --

MR. HUGHES: The easements.

MR. NUGENT: It will be over top of the easement.

MR. FENWICK: This is one of the things I'm asking you.

MR. LUCIA: How about if the car wash were rotated counter clockwise to go parallel, pull it back to get rid of the front and side yard variances and run it more parallel to the east.

MR. HUGHES: So it would be placed similar to this?

MR. LUCIA: Exactly, eliminate the need for quite a few of these variances.

MR. HUGHES: My only concern would be the distance between the building. It would be very, very narrow and we have now our trucks that come in to fill up the station that being a minimum width of feet that a truck needs and the turning radius of that 55 foot tanker.

MR. FENWICK: Let me ask you this. Maybe I should be asking this to Mike, do the tanks fall under the same side yard criteria as the building does since they are underground?

MR. BABCOCK: Well --

MR. FENWICK: What happens if they are reversed, what happens if the building were brought in closer?

MR. KARTIGANER: One of our plans was that, okay, we had it reversed.

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MR. HUGHES: Moving this building.

MR. FENWICK: Reversing where the tanks are versus the car wash.

MR. KARTIGANER: We had a plan there at one time where those were reversed and not going into detail, it's difficult to show it on this plan and the way just to lay it out. In essence, it reverts the direction of the storage of the vehicles for the car wash so that was the reason that this was a preferable plan. The reason for the car wash where we projected the most problems or any problems is the stacking. Primarily about 80% of the business anybody comes into that, uses the car wash, uses the convenience stores what they do and they are going to get their car washed. Where the biggest safety hazard we could see we wanted to have the longest distance as we could before entering the car wash because as soon as they leave, there's no drying, there's only a vacuum, I think over here located back over here so they have to drive away from this entrance and that was really that was the main criteria for that and we did have it, that's exactly why, what we had.

MR. HUGHES: To answer your question, we did, if we put the tanks, we're, we'd have to have the tanker coming around. I guess we could have the tankers backing up on the station but you're very, very unsafe if you have a 55 foot truck backing out so one flow traffic you have traffic coming behind traffic coming in and traffic coming out. So you have actually three directions of traffic flow there.

MR. FENWICK: You're not going to win with traffic at that corner. I don't care what anybody says. You have a bad location. This is a bad location, they're all a bad location because you're almost stuck.

MR. KARTIGANER: All we're trying to do is make the best of it.

MR. TORLEY: Carl, when you guys looked at this, they showed you someplace where they'd need less variances but you felt there was a problem?

MR. SCHIEFER: I was not considering the opposition from the other companies. It was a traffic flow situation. It looked neater, yes.

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MR. TORLEY: Traffic flow and safety for stacking of cars and motion?

MR. SCHIEFER: We thought this was the better one.

MR. TORLEY: There was a public hearing on this at the Planning Board?

MR. SCHIEFER: I think there was. Did we or didn't we?

MR. BABCOCK: I don't think so.

MR. SCHIEFER: I remember the three plans. You're right, maybe not.

MR. BABCOCK: We'll have one though, there will be one. I think that's --

MR. SCHIEFER: There will be one and I'm interested to see how you guys vote.

MR. TORLEY: So it was the condition of the Planning Board that this approach --

MR. SCHIEFER: Of the three plans we saw and we did not consider some of the things that were brought up this evening and obviously we're going to. That's why I'm here to listen to this but of the three plans we saw, we thought this was the best but there were some that needed less variances.

MR. FENWICK: What's the problem with the height of the building? Why couldn't it be shorter?

MR. HUGHES: The equipment inside.

MR. NUGENT: It's only 12 feet high.

MR. FENWICK: We're trying to find a place for the car wash, why do you have to have a car wash? I'm not trying to take it away from you but one of the things as a lesser variance, why do you have to have a car wash?

MR. HUGHES: One, is the probability of the station it's also a convenience for the customers to come in, get a free car wash with a fill-up, it's a service to the customer. That's basically really, it's not provided

there right now and the amount of the people that actually take advantage of it, it's not a phenomenal number. I think the national average is less than three cars per hour.

MR. FENWICK: I really don't believe that when I see what happens at Purple Parlor and they are lined up out in the street and down the road and everything else and you have got one.

MR. HUGHES: I'm sure some days are higher than others.

MR. KARTIGANER: We're changing one use, which is a service station and want to put in a car wash.

MR. FENWICK: These are things we have to address. What, according to what I'm getting from you, there's no place on this site that will be acceptable and legal for you to put that car wash?

MR. HUGHES: No place acceptable or legal.

MR. FENWICK: In other words, to be without any variances and be able to set that on that piece of property so that you could --

MR. HUGHES: I would have to say no, unless safety was very jeopardized.

MR. FENWICK: Any other comments from Members of the Board?

MR. NUGENT: Here we go again. It appears to me that it's the old ten pounds in a five pound bag.

MR. FENWICK: That's right.

MR. NUGENT: I have no real problem with the concept. The car wash is a little bit of an overkill, I feel on this piece of property. But, no one in this audience or anyone else that spoke is looking for anyone else but their own profitability, let's face it. Everybody here is in business for themselves and I can understand these people's reason for wanting to have the more profitable site. But, it does seem like a little bit of an overkill for this piece of property.

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MR. TANNER: I'd like to see lesser variances. The car wash really involves a lot of variances, may not necessarily --

MR. FENWICK: If there's no more comments from the Members of the Board, what I'd like to ask is whoever makes the motion that we have seven variances that are being requested that we treat each variance separately.

MR. NUGENT: I was going to try that.

MR. FENWICK: No, I want each one, we have seven variances, that's the way we're going to do it. We have seven variances and we'll, even though it's a little bit more to write, it's going to be seven motions.

MR. NUGENT: I think though that the variances should be identified, in other words, as to what they pertain to. Whether it's the canopy, building or car wash or whatever but I think each one should be on its own merit.

MR. FENWICK: That's right. If we have no more comments then --

MR. NUGENT: I just have one more question. The second variance is a 21 foot front yard that's off of Route 94.

MR. FENWICK: Yes, he needs 60 feet and he only has 39. Could I have a motion on the first variance, which is in reference to the whole lot, it's for 1,830 square foot?

MR. NUGENT: I'll make that motion.

MR. LUCIA: That's a lot area variance.

MR. TANNER: I'll second it.

MR. NUGENT: Comment to that, I feel that they are deprived with that amount of footage. He was deprived by putting this.

MR. FENWICK: It's way in excess.

ROLL CALL:

Mr. Torley Aye

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Mr. Finnegan	Aye
Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye

MR. FENWICK: Second variance that we have is for 21 foot front yard for the car wash. Do we have a motion to grant that variance?

MR. TORLEY: I move that we grant that variance.

MR. NUGENT: That's really going to be hard to do because if you give them that, if you give them that one, then almost six and seven have to go with it but it's all part and parcel of that car wash.

MR. TORLEY: Okay, well --

MR. TANNER: If you don't give it to them --

MR. NUGENT: The car wash is down the tubes. As a matter of fact, there's --

MR. FENWICK: If you'd like to make the motion, grant the variances Number 2 which is a 21 foot front yard for the car wash, Number 6 which is a 13 foot rear yard for the car wash and Number 7 which is a 6 1/2 foot building height for the car wash, we can do that.

MR. NUGENT: Is that the only three?

MR. FENWICK: That's it.

MR. TORLEY: I'll move we grant the variances Number 2, 6 and 7.

MR. FINNEGAN: I'll second it.

ROLL CALL:

Mr. Torley	Aye
Mr. Finnegan	Aye
Mr. Tanner	No
Mr. Nugent	No
Mr. Fenwick	No

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MR. FENWICK: We have the remaining variances which are three, four and five, all pertaining to the canopy. Number 3 being 36 foot front yard on Route 94. Number 4 being a 4 foot front yard on Route 32 and Number 5 being a 3 foot side yard.

MR. NUGENT: I'll make that motion.

MR. TANNER: I'll second it.

ROLL CALL:

Mr. Torley	Aye
Mr. Finnegan	Aye
Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye

MR. FENWICK: There will be a formal decision written with reference to the, I think you understand.

MR. KARTIGANER: Basically, we got the canopy.

MR. FENWICK: And the square footage and the property.

MR. TORLEY: And they can come back for the car wash, if it's removed or whatever.

MR. FENWICK: They may be able to find a nice legal way of putting it in. You have to understand also we have had problems brought before us that we were not aware of before and that's the purpose of the public hearing.



Louis Holmbeck
County Executive

**Department of Planning
& Development**

124 Main Street
Goshen, New York 10924
(914) 294-5151

Peter Garrison, Commissioner
Richard S. DeTurk, Deputy Commissioner

**ORANGE COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT
239 L, M or N Report**

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and Countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by Town of New Windsor D P & D Reference No. NWT 22 91 M

County I.D. No. 69 / 4 / 26.2

Applicant Mobil Oil Corp.

Proposed Action: Variance - Area lot, side yard, building height

State, County, Inter-Municipal Basis for 239 Review Within 500' of Rte. 32

Comments: There are no significant inter community or County-wide concerns to bring to your attention.

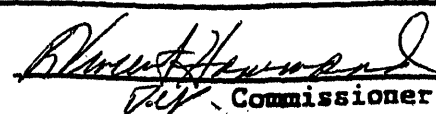
Related Reviews and Permits _____

County Action: Local Determination XX Disapproved _____ Approved _____

Approved subject to the following modifications and/or conditions: _____

7/17/91

Date


Commissioner

In the Matter of Application for Variance of

MOBIL OIL CORP.

AFFIDAVIT OF
SERVICE
BY MAIL

#91-23

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On 10th July, 1991, I compared the 29 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
9th day of *July*, 1991.

Cheryl L. Campbell
Notary Public

CHERYL L. CANFIELD
Notary Public, State of New York
Qualified in Orange County
4881654
Commission Expires December 22, 19

(TA DOCDISK#7-030586.AOS)

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 90-50

DATE: 18 June 1991
Rev. 25 June 1991

APPLICANT: Mobil Oil Corp.

50 Broadway

Hawthorne, New York 10532

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 30 March 1990

FOR (~~SUBDIVISION~~ SITE PLAN)

LOCATED AT West side of NYS Route 32 and South side of NYS

Route 94 ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 69 BLOCK: 4 LOT: 26.2

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

Site area, front yard, rear yard, side yard and building

height variances


PLANNING BOARD CHAIRMAN

<u>REQUIREMENTS</u>	<i>values as provided by applicant.</i>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>C</u> USE <u>B-5 & A-1</u>			
MIN. LOT AREA	<u>40,000 SF</u>	<u>38,170 SF</u>	<u>1,830 SF-</u>
MIN. LOT WIDTH	<u>200 Ft</u>	<u>213 Ft</u>	<u>--</u>
REQ'D FRONT YD	<u>60 Ft</u>	<u>car wash 39' Rt 94 24' Canopy Rt 32 56'</u>	<u>94' Car wash 21' Canopy Rt 94 36' Rt 32 4'</u>
REQ'D SIDE YD.	<u>30 Ft</u>	<u>27 Ft</u>	<u>3 Ft+</u>
REQ'D TOTAL SIDE YD.	<u>70 Ft</u>	<u>N/A</u>	<u>--</u>
REQ'D REAR YD.	<u>30 Ft</u>	<u>17.0 Ft</u>	<u>car wash: 13.0'+</u>
REQ'D FRONTAGE	<u>N/A</u>	<u>N/A</u>	<u>--</u>

APPLICANT: Mobil Oil Corp.
50 Broadway
Hawthorne, New York 10532

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 30 March 1990

FOR (~~SUBDIVISION~~ SITE PLAN)

LOCATED AT West side of NYS Route 32 and South side of NYS

Route 94

ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 69 BLOCK: 4 LOT: 26.2

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

Site area, front yard, rear yard, side yard and building

height variances


PLANNING BOARD CHAIRMAN

REQUIREMENTS	<i>values as provided by applicant.</i>	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE <u>C</u> USE <u>B-5 & A-1</u>			
MIN. LOT AREA	<u>40,000 SF</u>	<u>38,170 SF</u>	<u>1,830 SF-</u>
MIN. LOT WIDTH	<u>200 Ft</u>	<u>213 Ft</u>	<u>--</u>
REQ'D FRONT YD	<u>60 Ft</u>	<u>car wash 39'</u> <u>Canopy Rt 94 24'</u> <u>Rt 32 56'</u>	<u>97' Car wash 21'</u> <u>Canopy Rt 94 36'</u> <u>Rt 32 4'</u>
REQ'D SIDE YD.	<u>30 Ft</u>	<u>27 Ft</u>	<u>3 Ft+</u>
REQ'D TOTAL SIDE YD.	<u>70 Ft</u>	<u>N/A</u>	<u>--</u>
REQ'D REAR YD.	<u>30 Ft</u>	<u>17.0 Ft</u>	<u>car wash: 13.0'±</u>
REQ'D FRONTAGE	<u>N/A</u>	<u>N/A</u>	<u>--</u>
MAX. BLDG. HT.	<u>5.7'</u>	<u>12.2'</u>	<u>6.5'</u>
FLOOR AREA RATIO	<u>0.50</u>	<u>4%</u>	<u>--</u>
MIN. LIVABLE AREA	<u>N/A</u>	<u>--</u>	<u>--</u>
DEV. COVERAGE	<u>N/A %</u>	<u>-- %</u>	<u>-- %</u>
O/S PARKING SPACES	<u>5</u>	<u>7</u>	<u>--</u>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
(914-565-8550) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 23

Request of MOBIL OIL CORPORATION

for a VARIANCE of

the regulations of the Zoning Local Law to

permit rebuilding and upgrading of property, eliminating
service station and adding a car wash facility and
convenience store, said renovations creating insufficient
lot area, side yard, front yard, rear yard and building height;
being a VARIANCE of

Section 48-12 - Table of Use/Bulk Regs.-Cols.C,E,F,G&I

for property situated as follows:

West side of N.Y.S. Route 32 and south side of N.Y.S.

Route 94 (known as Five Corners), New Windsor, N.Y.

Tax map Section 69 - Block 4 - Lot 26.2

SAID HEARING will take place on the 22nd day of
July, 1991, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

RICHARD FENWICK
Chairman

LIBER 1759 PG 498

This Indenture,

Made the 14th day of December, Nineteen Hundred and Sixty-six,

Between EDWARD J. DOWNEY and MARY G. DOWNEY, both residing at Route 94 (no number), Salisbury Mills, New York, and CATHERINE F. Downey residing at 246 Liberty Street, Newburgh, New York,
as Executors under the last Will and Testament of

MARY G. DOWNEY,
late of the City of Newburgh, County of Orange, State of New York,

, deceased, parties of the first part,
MOBIL OIL CORPORATION, formerly named
and / SOCONY MOBIL OIL COMPANY, INC., a New York Corporation, ~~XXXXXXXXXX~~

~~XXXXXXXXXX~~ Washington, D.C., having its principal
office and place of business at 150 East 42nd Street, Borough of
Manhattan, City, County and State of New York,

, part Y of the second part:

Witnesseth, That the parties of the first part, by virtue of the power and authority to
them given in and by said last Will and Testament, and in consideration of
ONE HUNDRED TWENTY-FIVE THOUSAND - - - - (\$125,000.00) - - - - Dollars,
lawful money of the United States,

part, do hereby grant and release unto the part Y of the second part,
its successors and assigns forever,

PARCEL I

all that certain lot, piece or parcel of land with the buildings
thereon, situate, lying and being in the Town of New Windsor, County
of Orange and State of New York, and more particularly bounded and
described as follows:-

BEGINNING at a point formed by the intersection of the northerly
line of lands owned by the City of New York and used for an aqueduct
with the westerly line of New York State Route 32, and running thence
North 39° 13' West 156.32 feet; thence North 50° 47' East 60 feet;
thence North 39° 13' West 250 feet; thence South 50° 47' West 60 feet;
thence North 39° 13' West 263.30 feet; thence North 4° 06' 30" West
52.07 feet; thence North 77° 20' East 544.06 feet; thence South 29° 50'
East 54.10 feet; thence South 12° 04' West 318.10 feet; thence South

Made the
Hundred and Sixty-six,

14th
day of December

, Nineteen

Between EDWARD J. DOWNEY and MARY G. DOWNEY, both residing at Route 94 (no number), Salisbury Mills, New York, and CATHERINE F. Downey residing at 246 Liberty Street, Newburgh, New York,

as Executors under the last Will and Testament of

MARY G. DOWNEY,

late of the City of Newburgh, County of Orange, State of New York,

, deceased, parties of the first part,
MOBIL OIL CORPORATION, formerly named
and / SOCONY MOBIL OIL COMPANY, INC., a New York Corporation, ~~with~~

~~office at 152 Washington Avenue, Albany, New York~~ having its principal
office and place of business at 150 East 42nd Street, Borough of
Manhattan, City, County and State of New York,

, part Y of the second part:

Witnesseth, That the parties of the first part, by virtue of the power and authority to
them given in and by said last Will and Testament, and in consideration of
ONE HUNDRED TWENTY-FIVE THOUSAND - - - (\$125,000.00) - - - Dollars,
lawful money of the United States,

part, do hereby grant and release unto the part Y of the second
of the second part,
its successors and assigns forever,

PARCEL I

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thereon, situate, lying and being in the Town of New Windsor, County
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described as follows:-

BEGINNING at a point formed by the intersection of the northerly
line of lands owned by the City of New York and used for an aqueduct
with the westerly line of New York State Route 32, and running thence
North 39° 13' West 156.32 feet; thence North 50° 47' East 60 feet;
thence North 39° 13' West 250 feet; thence South 50° 47' West 60 feet;
thence North 39° 13' West 263.30 feet; thence North 4° 06' 30" West
52.07 feet; thence North 77° 20' East 544.06 feet; thence South 29° 50'
East 54.10 feet; thence South 12° 04' West 318.10 feet; thence South
10° 56' West 338.16 feet to the point or place of beginning.

PARCEL II

ALL that certain lot, piece or parcel of land with the buildings
thereon, situate, lying and being in the Town of New Windsor, County

of Orange and State of New York, and more particularly bounded and described as follows:-

BEGINNING at a point formed by the intersection of the southerly line of lands of the City of New York used for an aqueduct and the westerly line of New York State Route 32, and running thence South $12^{\circ}35'$ West 40.84 feet; thence North $76^{\circ}23'$ West 228.15 feet; thence North $37^{\circ}06'$ East 174.90 feet; thence South $39^{\circ}13'$ East 197.92 feet to the point or place of beginning.

ABOVE described parcels "I" and "II" being a portion of premises devised by Joseph Downey to his sisters, CATHERINE F. DOWNEY and MARY G. DOWNEY, by Will probated September 12, 1933 in the Orange County Surrogate's Office; and also being a portion of premises subsequently devised by said CATHERINE F. DOWNEY to said MARY G. DOWNEY for life with remainder to Edward J. Downey, nephew, and Ann Elizabeth Downey, Margaret Merritt, Mary G. Downey, Catherine F. Downey and Ella B. Downey, nieces of said decedent, Catherine F. Downey, and who are also nephew and nieces of her sister, the said life tenant, MARY G. DOWNEY.

The aforesaid MARY G. DOWNEY, sister of aforesaid Joseph Downey and Catherine F. Downey, having subsequently died June 23, 1966, leaving a Last Will and Testament, probated in the Orange County Surrogate's Office July 12, 1966, whereunder letters testamentary were issued to instant grantors named as executors under said will.

westerly line of New York State Route 32, and running thence South 12°35' West 40.84 feet; thence North 76° 23' West 228.15 feet; thence North 37° 06' East 174.90 feet; thence South 39° 13' East 197.92 feet to the point or place of beginning.

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The aforesaid MARY G. DOWNEY, sister of aforesaid Joseph Downey and Catherine F. Downey, having subsequently died June 23, 1966, leaving a Last Will and Testament, probated in the Orange County Surrogate's Office July 12, 1966, whereunder letters testamentary were issued to instant grantors named as executors under said will.

LIBER 1759 PG 498

Together with the appurtenances, and also all the estate which said Testatrix had at the time of her decease in said premises, And also the estate therein, which the parties of the first part have or had power to convey or dispose of, whether individually, or by virtue of said Will or otherwise,

To have and to hold the premises herein granted unto the party of the second part, its successors and assigns forever.

And the parties of the first part covenant that they have not done or suffered anything whereby the said premises have been incumbered in any way whatever.

And The grantors, in compliance with Section 13 of the Lien Law, covenant as follows: That they will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement, and that they will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the parties of the first part have hereunto set their hands and seals the day and year first above written.

In presence of

Edward J. Downey (L.S.)
Edward J. Downey

Mary G. Downey (L.S.)
Mary G. Downey

Catherine F. Downey (L.S.)
Catherine F. Downey

State of NEW YORK

County of ORANGE

On the

14th

day of December

, nineteen hundred and sixty-six,

before me personally came EDWARD J. DOWNEY, MARY G. DOWNEY and CATHERINE F. DOWNEY, to me known to be the individuals described in, and who executed, the foregoing instrument, and acknowledged that they executed the same.

Allen J. Indzonka
Notary Public

ALLEN J. INDZONKA
Notary Public, State of New York
Residence on Appointment — Orange County
Commission Expires March 30, 1968

State of

County of

ss.:

On the

day of

, nineteen hundred and

, before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides in

that he is the

of

the corporation described in, and which executed, the foregoing instrument; that he knows the seal of said corporation.

And the parties of the first part covenant that they have not done or suffered anything whereby the said premises have been incumbered in any way whatever.

And The grantors, in compliance with Section 13 of the Lien Law, covenant as follows: That they will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement, and that they will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the parties of the first part have hereunto set their hands and seals the day and year first above written.

In presence of

Edward J. Downey (L.S.)
Edward J. Downey

Mary G. Downey (L.S.)
Mary G. Downey

Catherine F. Downey (L.S.)
Catherine F. Downey

State of NEW YORK County of ORANGE ss.:

On the 14th day of December, nineteen hundred and sixty-six, before me personally came EDWARD J. DOWNEY, MARY G. DOWNEY and CATHERINE F. DOWNEY, to me known to be the individuals described in, and who executed, the foregoing instrument, and acknowledged that they executed the same.

Allen J. Indzonka
Notary Public

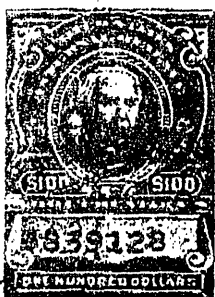
ALLEN J. INDZONKA
Notary Public, State of New York
Residence on Appointment — Orange County
Commission Expires March 30, 1968

State of County of ss.:

On the day of, nineteen hundred and, before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides in that he is the of

the corporation described in, and which executed, the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of of said corporation; and that he signed in name thereto by like order.



Deed.

EDWARD J. DOWNEY, MARY G.
DOWNEY and CATHERINE F. DOWNEY,
as Executors u/w Mary G.
Downey, Deceased

TO
MOBIL OIL CORPORATION,
formerly named
SOCONY MOBIL OIL COMPANY, INC.

Dated, December 19 66

Orange County Clerk's Office, S.S.
Recorded on the 16th day
of Dec. 1966 at 9:23
o'clock A.M. in Liber 1759
... Deeds ... at page 496
and Examined.

A.E. [Signature] Clerk

WEINER AND LOEB
178 Grand Street
Newburgh, N. Y.

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

550

This Indenture,

Made the

14th

day of

December

, nineteen

hundred and Sixty-six,

Between MARGARET MERRITT, Schuyler Heights Apartments, Menands, New York; CATHERINE F. DOWNEY, 246 Liberty Street, Newburgh, New York; and EDWARD J. DOWNEY, MARY G. DOWNEY and ANN ELIZABETH DOWNEY, all of Route 94, Salisbury Mills, New York,

MOBIL OIL CORPORATION, formerly named

parties of the first part, and

SOCONY MOBIL OIL COMPANY, INC., a New York Corporation, ~~with offices at~~

~~150 East 42nd Street, New York, New York~~ having its principal office and place of business at 150 East 42nd Street, Borough of Manhattan, City, County and State of New York,

part y of the second part:

Witnesseth, that the parties of the first part, in consideration of ONE - - - - - (\$1.00) - - - - - Dollars, lawful money of the United States,

do

hereby grant and release unto the part y
its successors

paid by the part y of the second part,
of the second part,
and assigns forever,

PARCEL I

that certain lot, piece or parcel of land with the buildings thereon, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, and more particularly bounded and described as follows:-

BEGINNING at a point formed by the intersection of the northerly line of lands owned by the City of New York and used for an aqueduct with the westerly line of New York State Route 32, and running thence North 39° 13' West 156.32 feet; thence North 50° 47' East 60 feet; thence North 39° 13' West 250 feet; thence South 50° 47' West 60 feet; thence North 39° 13' West 263.30 feet; thence North 4° 06' 30" West 52.07 feet; thence North 77° 20' East 544.06 feet; thence South 29° 50' East 54.10 feet; thence South 12° 04' West 318.10 feet; thence South 10° 56' West 338.16 feet to the point or place of beginning.

PARCEL II

ALL that certain lot, piece or parcel of land, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, and more particularly bounded and described as follows:-

Made the
hundred and Sixty-six,

day of December

, nineteen

Between MARGARET MERRITT, Schuyler Heights Apartments, Menands, New York; CATHERINE F. DOWNEY, 246 Liberty Street, Newburgh, New York; and EDWARD J. DOWNEY, MARY G. DOWNEY and ANN ELIZABETH DOWNEY, all of Route 94, Salisbury Mills, New York,

MOBIL OIL CORPORATION, formerly named *parties of the first part, and*
SOCONY MOBIL OIL COMPANY, INC., a New York Corporation, ~~with offices at 150 East 42nd Street, New York, New York~~ having its principal office and place of business at 150 East 42nd Street, Borough of Manhattan, City, County and State of New York,

part y of the second part:

Witnesseth, that the parties of the first part, in consideration of ONE - - - - - (\$1.00) - - - - - Dollar,
lawful money of the United States,

do hereby grant and release unto the part y *paid by the party of the second part,*
its successors *of the second part,*
and assigns forever,

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BEGINNING at a point formed by the intersection of the northerly line of lands owned by the City of New York and used for an aqueduct with the westerly line of New York State Route 32, and running thence North 39° 13' West 156.32 feet; thence North 50° 47' East 60 feet; thence North 39° 13' West 250 feet; thence South 50° 47' West 60 feet; thence North 39° 13' West 263.30 feet; thence North 4° 06' 30" West 52.07 feet; thence North 77° 20' East 544.06 feet; thence South 29° 50' East 54.10 feet; thence South 12° 04' West 318.10 feet; thence South 10° 56' West 338.16 feet to the point or place of beginning.

PARCEL II

ALL that certain lot, piece or parcel of land with the buildings thereon, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, and more particularly

bounded and described as follows:-

BEGINNING at a point formed by the intersection of the southerly line of lands of the City of New York used for an aqueduct and the westerly line of New York State Route 32, and running thence South 12° 35' West 40.84 feet; thence North 76° 23' West 228.15 feet; thence North 37° 06' East 174.90 feet; thence South 39° 13' East 197.92 feet to the point or place of beginning.

THE above described parcels "I" and "II" being a portion of premises devised by Joseph Downey to his sisters, Catherine F. Downey and Mary G. Downey by will probated September 12, 1933 in the Orange County Surrogate's Office; and also being a portion of the same premises devised by the Last Will and Testament of said Catherine F. Downey who died January 24, 1954, leaving a Will duly probated March 2, 1954 in said Surrogate's Office. Ella B. Downey, one of the remaindermen named in said Will of Catherine F. Downey, Deceased, having died intestate a resident of Salisbury Mills, Orange County, New York, on March 7th, 1936, unmarried and without issue survived by her brother and sisters, grantors of instant instrument, as her surviving heirs at law and distributees. The aforesaid Mary G. Downey (sister of aforesaid Joseph Downey), life beneficiary under the aforesaid Will of Catherine F. Downey, Deceased, having subsequently died June 23, 1966, leaving a Will duly probated July 12, 1966 in the Orange County Surrogate's Office whereunder she devised her residuary estate to instant grantors.

Instant instrument of conveyance being executed and delivered for the purpose of conveying to instant grantee all of the respective undivided rights, shares and interests of instant grantors whether same have been or are acquired under the aforesaid probated wills of Joseph Downey, whose will was probated September 12, 1933; Catherine F. Downey, whose will was probated March 2, 1954, and Mary G. Downey whose will was probated July 12, 1966, and also by reason of the aforesaid intestate death of Ella B. Downey, sister of instant grantors.

...LINE OF NEW YORK STATE ROUTE 52, and running thence South 12° 35' West 40.84 feet; thence North 76° 23' West 228.15 feet; thence North 37° 06' East 174.90 feet; thence South 39° 13' East 197.92 feet to the point or place of beginning.

THE above described parcels "I" and "II" being a portion of premises devised by Joseph Downey to his sisters, Catherine F. Downey and Mary G. Downey by will probated September 12, 1933 in the Orange County Surrogate's Office; and also being a portion of the same premises devised by the Last Will and Testament of said Catherine F. Downey who died January 24, 1954, leaving a Will duly probated March 2, 1954 in said Surrogate's Office. Ella B. Downey, one of the remaindermen named in said Will of Catherine F. Downey, Deceased, having died intestate a resident of Salisbury Mills, Orange County, New York, on March 7th, 1936, unmarried and without issue survived by her brother and sisters, grantors of instant instrument, as her surviving heirs at law and distributees. The aforesaid Mary G. Downey (sister of aforesaid Joseph Downey), life beneficiary under the aforesaid Will of Catherine F. Downey, Deceased, having subsequently died June 23, 1966, leaving a Will duly probated July 12, 1966 in the Orange County Surrogate's Office whereunder she devised her residuary estate to instant grantors.

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DEED 133 PG 444

Together with the appurtenances and all the estate and rights of the parties of the first part in and to the said premises.

To have and to hold the premises herein granted unto the party of the second part, its successors and assigns forever.

And the said parties of the first part covenant that they have not done or suffered anything whereby the said premises have been incumbered in any way whatever

And The grantors, in compliance with Section 13 of the Lien Law, covenant as follows: That they will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement, and that they will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the parties of the first part have hereunto set their hand and seal this the day and year first above written

In the Presence of:

Margaret Merritt (L.S.)
Margaret Merritt
Catherine F. Downey (L.S.)
Catherine F. Downey
Edward J. Downey (L.S.)
Edward J. Downey
Mary G. Downey (L.S.)
Mary G. Downey
Ann Elizabeth Downey (L.S.)
Ann Elizabeth Downey

NO DOCUMENTARY STAMPS REQUIRED.

And the said parties of the first part covenant that they have not done or suffered anything whereby the said premises have been incumbered in any way whatever

And The grantors, in compliance with Section 13 of the Lien Law, covenant as follows: That they will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement, and that they will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the parties of the first part have hereunto set their hand and seal this day and year first above written

In the Presence of:

Margaret Merritt (L.S.)
Margaret Merritt
Catherine F. Downey (L.S.)
Catherine F. Downey
Edward J. Downey (L.S.)
Edward J. Downey
Mary G. Downey (L.S.)
Mary G. Downey
Ann Elizabeth Downey (L.S.)
Ann Elizabeth Downey

NO DOCUMENTARY STAMPS REQUIRED.

State of New York, County of ORANGE ss.:

On the 14th day of December, , nineteen hundred and Sixty-six before me personally came MARGARET MERRITT, CATHERINE F. DOWNEY, EDWARD J. DOWNEY, MARY G. DOWNEY and ANN ELIZABETH DOWNEY to me known to be the individual s described in, and who executed, the foregoing instrument, and acknowledged that they executed the same.

Allen J. Indzonka
Notary Public

ALLEN J. INDZONKA
Notary Public, State of New York
Residence on Appointment — Orange County
Commission Expires March 30, 1968

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

LIBER 1759 Pg 405

Deed.

#2

MARGARET MERRITT, CATHERINE F.
DOWNEY, EDWARD J. DOWNEY, MARY
G. DOWNEY and ANN ELIZABETH
DOWNEY

TO
MOBIL OIL CORPORATION, formerly
named
SOCONY MOBIL OIL COMPANY, INC.

Dated, December 14th 1966

WEINER AND LOEB
178 Grand Street
Newburgh, N. Y.

Orange County Clerk's Office, s.s.
Recorded on the ... 16th day
of ... Dec ... 1966. at ... 1:22
o'clock ... A.M. in Liber 1759
... Deeds ... at page 405
and Examined.

[Signature]

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550



POLICY OF TITLE INSURANCE

No. W838-679
Title No. 123488

Lawyers Title Insurance Corporation

HOME OFFICE - RICHMOND, VIRGINIA

LAWYERS TITLE INSURANCE CORPORATION, in consideration of the payment of its premium for insurance, insures the within named insured against all loss or damage not exceeding the amount of insurance stated herein and in addition the costs and expenses of defending the title, estate or interest insured, which the insured shall sustain by reason of any defect or defects of title affecting the premises described in Schedule A or affecting the interest of the insured therein as herein set forth, or by reason of unmarketability of the title of the insured to or in the premises or by reason of liens or incumbrances affecting title at the date hereof, or by reason of any statutory lien for labor or material furnished prior to the date hereof which has now gained or which may hereafter gain priority over the interest insured hereby, or by reason of a lack of access to and from the premises, excepting all loss and damage by reason of the estates, interests, defects, objections, liens, incumbrances and other matters set forth in Schedule B, or by the conditions of this policy hereby incorporated into this contract, the loss and the amount to be ascertained in the manner provided in said conditions and to be payable upon compliance by the insured with the stipulations of said conditions, and not otherwise.

IN WITNESS WHEREOF, Lawyers Title Insurance Corporation has caused this policy to be signed and sealed on its date of issue set forth herein, to be valid when countersigned by an authorized officer or agent of the Company, all in accordance with its By-Laws.

Issued at: **New York, New York**

Countersigned By:

Authorized Officer or Agent



Lawyers Title Insurance Corporation

Attest:

President

Secretary

Name of Insured **MOBIL OIL CORPORATION**Amount of Insurance **\$125,000.00**Date of Issue **December 14, 1966**The estate or interest insured by this policy is **Fee Simple**

vested in the insured by means of (1) a deed from Edward J. Downey, Mary G. Downey and Catherine F. Downey, as Executors of the Estate of Mary G. Downey, deceased, dated December 14, 1966, recorded December 16, 1966, in Liber 1759 cp 429, in the County Clerk's Office, Orange County, New York State and (2) a deed from Edward J. Downey, Mary G. Downey, Catherine F. Downey, Margaret Merritt and Ann Elizabeth Downey, dated December 14, 1966 and recorded December 16, 1966 in Liber 1759 cp 496 in said Clerk's Office.

SCHEDULE A

The premises in which the insured has the estate or interest covered by this policy

Parcel 1

ALL that certain lot, piece or parcel of land with the buildings thereon situate, lying and being in the Town of New Windsor, County of Orange and State of New York, and more particularly bounded and described as follows: BEGINNING at a point formed by the intersection of the

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Issued at: **New York, New York**

Countersigned By:

Paul J. Smith

Authorized Officer or Agent



Lawyers Title Insurance Corporation

George V. Scott
President

Attest:

J. Bragg
Secretary

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SCHEDULE A

The premises in which the insured has the estate or interest covered by this policy

Parcel 1

ALL that certain lot, piece or parcel of land with the buildings thereon situate, lying and being in the Town of New Windsor, County of Orange and State of New York, and more particularly bounded and described as follows: BEGINNING at a point formed by the intersection of the northerly line of lands owned by the City of New York and used for an aqueduct with the westerly line of New York State Route 32, and RUNNING THENCE North 39° 13' West 156.32 feet; thence North 50° 47' East 60 feet; thence North 39° 13' West 250 feet; thence South 50° 47' West 60 feet; thence North 39° 13' West 263.30 feet; thence North 4° 06' 30" West 52.07 feet; thence North 77° 20' East 544.06 feet; thence South 29° 50' East 54.10 feet; thence South 12° 04' West 318.10 feet; thence South 10° 56' West 338.16 feet to the point or place of BEGINNING.

Parcel 2

ALL that certain lot, piece or parcel of land with the buildings thereon, situate, lying and being in the Town of New Windsor, County of Orange and

lands of the City of New York used for an aqueduct and the westerly line of New York State Route 32.

Running thence South 12° 35' West 40.84 feet; thence North 76° 23' west 228.15 feet; thence North 37° 06' East 174.90 feet; thence south 39° 13' east 197.92 feet to the point or place of BEGINNING.

SCHEDULE B

The following estates, interests, defects, objections to title, liens and incumbrances and other matters are excepted from the coverage of this policy:

1. Defects and incumbrances arising or becoming a lien after the date of this policy, except as herein provided.
2. Consequences of the exercise and enforcement or attempted enforcement of any governmental war or police powers over the premises.
3. Zoning restrictions or ordinances imposed by any governmental body.
4. Judgments against the insured or estates, interests, defects, objections, liens or incumbrances created, suffered, assumed or agreed to by or with the privity of the insured.
5. Title to any property beyond the lines of the premises or title to areas within or rights or easements in any abutting streets, roads, avenues, lanes, ways or waterways, or the right to maintain therein vaults, tunnels, ramps or any other structure or improvement, unless this policy specifically provides that such titles, rights, or easements are insured. Notwithstanding any provisions in this paragraph to the contrary, this policy, unless otherwise excepted, insures the ordinary rights of access and egress belonging to abutting owners.
6. Compliance by the buildings or other erections upon the premises or their use with Federal, State and Municipal laws, regulations and ordinances.
7. Title to any personal property, whether the same be attached to or used in connection with said premises or otherwise.
8. The state of facts as shown on survey prepared by A. S. Brinnier, P.E. and L.L.S. dated March 15, 1966, subject to any changes since date thereof.
9. New York State Transfer Tax against Estate of Mary G. Downey, deceased. However, this policy will insure against collection of said tax out of premises insured herein.
10. Federal Estate Tax against Estate of Mary G. Downey, deceased. However, this policy will insure against collection of said tax out of premises insured herein.

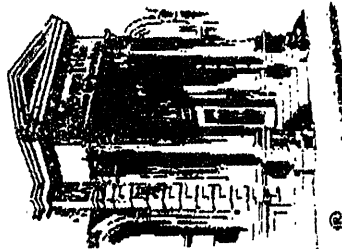
1/26/67 HB

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Policy 47-NY-434-6-65-Litho in U.S.A.

N.Y.B.T.U. Form No. 100 D (also adopted by The New York State Title Association)

#5
Policy
of
Title Insurance



Lawyers Title
Insurance Corporation
Home Office
Richmond, Virginia

1. Defects and incumbrances arising or becoming a lien after the date of this policy, except as herein provided.
2. Consequences of the exercise and enforcement or attempted enforcement of any governmental war or police powers over the premises.
3. Zoning restrictions or ordinances imposed by any governmental body.
4. Judgments against the insured or estates, interests, defects, objections, liens or incumbrances created, suffered, assumed or agreed to by or with the privity of the insured.

5. Easements, rights, tunnels, ramps or any other structure or improvement, unless this policy specifically provides that such titles, rights, or easements are insured. Notwithstanding any provisions in this paragraph to the contrary, this policy, unless otherwise excepted, insures the ordinary rights of access and egress belonging to abutting owners.
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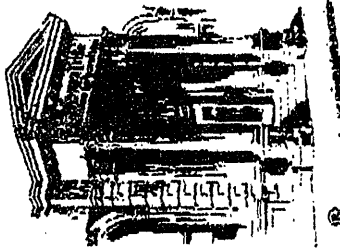
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Policy 47-NY-5M-6-66-Litho in U.S.A.

N.Y.B.T.U. Form No. 100 D (also adopted by The New York State Title Association)

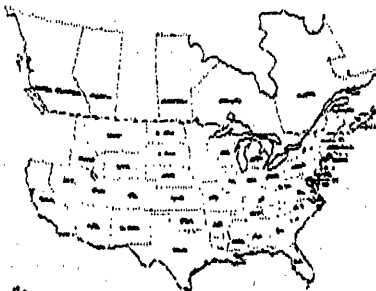
Policy
of
Title Insurance



Lawyers Title
Insurance Corporation
Home Office
Richmond, Virginia

#5

Service available in 45 states including Hawaii; and in the District of Columbia, Puerto Rico and Canada.



National Division, Branch and Agency offices and Approved Attorneys located throughout the operating territory as shown on the map.

Lawyers Title Insurance Corporation
Home Office - Richmond, Virginia

MOBIL OIL CORPORATION:

Scott Kartiganer of Kartiganer Associates, P.C., Jim Moran and Gary Hughes came before the Board representing this proposal.

BY MR. FENWICK: This is a request for 1,830 square foot lot area, 13 foot side yard and 6.46 feet building height variance to add car wash to station located at five corners in Vail's Gate (C zone).

BY MR. KARTIGANER: My name is Scott Kartiganer and my friends are Gary Hughes and Jim Moran from Mobil. The purpose of the presentation request set back and height variance for the car wash structure on the property. That is this structure right here. We're also requesting a slight area variance. The reason that the structure has to be located where it is is due to, made to provide a better internal circulation pattern around the building and to create a better and safer exit and entry from both Route 32 and Route 94. This arrangement was the one previously seen by the Planning Board at the 22nd May meeting after reviewing several alternative plans. Those included, by the way, ones that we met the setback and height requirements. And what I'd like to do is just read, there's a short segment from their notes, from the Planning Board notes. Mr. Edsall stated that you may want to put in the record that the fact that you have looked at a variety of arrangements and this appears to be the best internal traffic arrangement and because of this final best site plan, created a need for a variance. I don't want them to misunderstand that we haven't reviewed it. Basically, what we have done over here and even the DOT we have two entrances here right now. We have the internal arrangement was to put the car wash at this location, creating the entry into the car wash from this direction. This allows the stacking of the vehicles, if there is stacking here, to come out and then the cars would come out and move on. We have located only a single entry and exit on Route 94, instead of the two that are currently going into construction right now by the DOT. We couldn't make that change because of the existing pumps and existing gas station and we're making that only into one single entry and it will, this will afford a better safety buffer over here on the stacking lane on 94. It's also, we have reviewed this with the DOT, we haven't submitted all of our permits yet, but they like this arrangement better.

BY MR. TANNER: Are the pumps staying in the same place?

BY MR. KARTIGANER: No, the pumps are -- we are putting all the pumps along the Route 32 corridor right here. The same number of pumps, we're just rearranging them along this way, it's a much better plan. The overall plan, by the way, is for this will be a small retail store, small retail convenience store, car wash and pumps.

BY MR. FINNEGAN: So it won't be repair place any more?

BY MR. KARTIGANER: Will not be a repair place any more and consequently, there will be less cars in the parking area. We have done an extensive landscaping plan. This is a picture of the building, by the way. We haven't done final design until we get the final layout and all the approvals on it. We have done a fairly extensive landscaping plan around the perimeter. It's the intention to make it look very nice. It's in excess of what the Planning Board requested, but it's also a permanent corner.

BY MR. TORLEY: Is that a sign?

BY MR. KARTIGANER: This sign would be here, in the same location as it exists now.

BY MR. TORLEY: I don't see it marked here.

BY MR. FINNEGAN: It's on the corner.

BY MR. KARTIGANER: It's underneath the line.

BY MR. FENWICK: The only thing you have been cited for to be brought to the Board is on that building in the back, that's the only thing we're going to address right now.

BY MR. TORLEY: The sign is, I do want to make sure that if we do this, we do it with all the appropriate variances. I'm asking about the sign specifically, there's no variance needed for that sign where it is planned to be?

BY MS. BARNHART: It's not on here.

BY MR. LUCIA: You might want to check the ordinance to see that you don't also require a sign area variance and possibly setback variance given the location and the size of the sign.

BY MR. FENWICK: The only building sign?

BY MR. TORLEY: No, this one, if you look on the plan, there's one on the apex.

BY MR. LUCIA: And you also might want to check the signage on the building, whether or not that exceeds what's allowable.

BY MR. KARTIGANER: The signs on the building, we checked that. That meets the code.

BY MR. TORLEY: Just trying to make sure we get everything done at once.

BY MR. FENWICK: The rest of the concept of the whole thing in fact, what you're showing us now is not even before this Board. What I get the feeling from the Planning Board minutes is that you have gone and met everything by the law to avoid any other variance. Fine, so we're looking at the car wash.

BY MR. KARTIGANER: Just one thing I want to point out. One thing with the area variance, you know that wasn't really a variance at, initially it was over 4200 square feet of area on it. At the request of Mark Edsall, they determined that area was less where the sewer easement is, which was granted. We weren't aware that would become a variance situation at that time.

BY MR. FENWICK: He should see what has happened to people's houses. We're talking commercial here. We've had them run right through people's lawns and they have lots, the square footage is usable, square footage, in other words, building square footage versus the overall square footage.

BY MR. KARTIGANER: Yes, the net building area is quite a bit less than --

BY MR. FINNEGAN: They have to work in the easement then have a real big problem.

BY MR. KARTIGANER: What we did, we did design the

building, we kept the car wash, any permanent structures outside the easement area. The pumps are here, tanks are over here. These would be the buried tanks.

BY MR. TORLEY: Parking over the tanks?

BY MR. KARTIGANER: Yes, there's parking over the tanks. Most of the parking would be service people and people working.

BY MR. TORLEY: Once again, the fire marshall has given the blessing.

BY MR. KARTIGANER: It's been reviewed through the Planning Board.

BY MR. LUCIA: Do you know how this exists as a gas station now?

BY MR. KARTIGANER: Right.

BY MR. LUCIA: Is it a pre-existing, nonconforming use? Did it receive a variance?

BY MR. KARTIGANER: There's no variance on it now.

BY MR. LUCIA: Did it pre-existing zoning in New Windsor? Do you know?

BY MR. KARTIGANER: I don't know how long has the gas station been here?

BY MR. HUGHES: Since Matt Florio, I know at least since '82, the building was constructed back probably close to 20 years ago. Jim has the exact numbers, he can tell you.

BY MR. MORAN: I don't have a copy of the deed.

BY MR. LUCIA: It's been a gas station to the Board's knowledge for at least 20 years.

BY MR. HUGHES: Matt's been with Mobil for at least 25, it's probably somewhere within that realm.

BY MR. FENWICK: Does Mobil own this?

BY MR. HUGHES: Yes.

BY MR. MORAN: 1966 is the deed into Mobil. It was updated probably more than once since then.

BY MR. LUCIA: As you may have heard some of the aspects of this application are similar to the Sunoco that you sat in on. You're razing the building, I understand the --

BY MR. KARTIGANER: We're rebuilding the entire site.

BY MR. LUCIA: Because of that, you probably are going to need special permit approval as a gas station from the Planning Board. Obviously, it's a change in use but a minor change in use. From the Zoning Board's perspective, I think that the Board would want you to speak to are the issues raised in section 4824B1, with regard to a change in a nonconforming use. You are changing from one type of nonconforming to another by adding the car wash, so if you would just speak to the issues how it impacts the town.

BY MR. KARTIGANER: You're saying that as we have to go back for a special permit even though we have gone --

BY MR. LUCIA: As part of the application, just to cover yourself, you should ask for a special permit for a gas station use because you're changing the existing use by razing the building and completely reconfiguring the islands. You know, if they're, it sits there now --

BY MR. KARTIGANER: We're under a special permit right now.

BY MR. LUCIA: That special permit is for a different footprint. You're coming in with something different. To cover yourself, you're going to want to get the Planning Board's special permit approval on this footprint because it raises different aspects.

BY MR. KARTIGANER: We were attempting to do it to modify the existing special permit.

BY MR. LUCIA: However the Planning Board wants to handle it. I just raised the issue because it arises here because you're entitled to be on notice if they want to do the modifications, that's fine with me.

BY MR. KARTIGANER: Sure.

BY MR. TORLEY: Do we have a signed off plan from the Planning Board?

BY MR. KARTIGANER: Yeah, they did sign something the last time.

BY MR. FENWICK: Yes, Carl Schiefer signed this plan right here.

BY MR. KARTIGANER: I just wanted to bring this up to the Board. We did have an existing variance for the existing gas station for a canopy that was in '82, 1982.

BY MR. TORLEY: You have presented it to the Planning Board an arrangement that would not have required a variance and they preferred this for traffic flow and safety purposes?

BY MR. MORAN: A layout of the car wash.

BY MR. KARTIGANER: What we had to do, we turned around the traffic flow coming into the car wash as opposed to coming from the road. This one I prefer this a lot more because we have all this, you know, stacking and people could, they tend to park right around these buildings anyway, but it allows you to come in and out or come to different roads.

BY MR. FENWICK: Is there a way on this drawing of showing us where the building that's existing now is?

BY MR. KARTIGANER: Well, we have existing site plan.

BY MR. MORAN: This is a 1990 existing site plan.

BY MR. HUGHES: This probably is the most recent.

BY MR. KARTIGANER: 32, 94, the two pump island and they exist right now.

BY MR. FENWICK: The only thing that I was getting at is how far is the rear of the building to that side yard that we're speaking about there? In other words, what's coming into play here is a side yard, I believe. From that point, to where the building is now, what are we talking about there? Do you know?

BY MR. KARTIGANER: I'd say it's probably about 80 feet. Right now, that area is a lot of property there, as you go by, it's, that's not being utilized. There's a ditch and road and --

BY MR. LUCIA: If that's 80 feet, I take it the previous side yard variance was not for the same side yard you're looking for a variance on?

BY MR. KARTIGANER: No, these were for along 32 and 94.

BY MR. FENWICK: Had to do with the canopies are too close to the road, I remember that now.

BY MR. HUGHES: Yes, sir.

BY MR. LUCIA: The new canopy would conform, I take it, it's far enough setback from the front yard there?

BY MR. HUGHES: Yes.

BY MR. LUCIA: Both front yards, you have two front yards, how about the 94 side?

BY MR. KARTIGANER: Well, we're going to, as far as these setbacks, we're exceeding these areas. That was a question that was raised by the Planning Board. They didn't consider that as part of the building.

BY MR. TORLEY: So you really are into the requirement front yard?

BY MR. LUCIA: If you measure the distance from 94.

BY MR. KARTIGANER: Here's the line. It's clearly within that.

BY MR. TORLEY: So we need a side yard variance or a front yard variance for the canopy.

BY MR. FENWICK: I'm just going to say that may be true, but that hasn't been sent to us for that.

BY MR. KARTIGANER: That wasn't our understanding.

BY MR. FENWICK: I'm just going to make you aware of it but at this time, that's not something --

BY MR. TORLEY: You're suggesting that they come back for another preliminary?

BY MR. FENWICK: They might have to. The only thing that's been addressed to this Board is that one, well I'm talking about the one structure. That's it.

BY MR. KARTIGANER: That wasn't, you know, we didn't think that was actually, I wasn't even aware there was a variance for the canopy. In some towns, it's not considered part of the structure. We haven't had any problems.

BY MR. TORLEY: The 60 foot even covers the pump island, so you definitely need it.

BY MR. KARTIGANER: You're considering this as the building variance.

BY MR. TORLEY: You're 60 foot setback from the road, right?

BY MR. KARTIGANER: For buildings.

BY MR. TORLEY: Now you have got the pumps, would you consider that accessory?

BY MR. LUCIA: It raises two issues. One, the variance for the setback because you're took close to both front yards and the other thing is you may have also heard on the previous application with the satellite dish, it would be considered an accessory building located closer to the street line than your building setback. So you know, it also involves 4814A4 of the ordinance.

BY MR. TORLEY: I question that this is a continuous structure through here. I don't think it is.

BY MR. MORAN: It's not a continuous structure, it's tucked under. It's a separate building tucked under.

BY MR. LUCIA: It's not attached to the building itself.

BY MR. HUGHES: Just basically overhead cover for rain for customers. For a matter of record, that the canopies that we're proposing here are less than what exists out there on the site right now.

BY MR. LUCIA: That's relevant as a mitigating factor, but it still doesn't speak to the underlying issue that a variance is probably needed. What I suggest is take it back to the Planning Board. I think you also are going to want to amend your map to show on your bulk table a column specifically spelling out variances needed on lot areas, side yard and building height, as well as adding the front yard variances.

BY MR. FENWICK: They have a variance when I was on this Board, when they came for the variance for a canopy. Okay, that canopy, that variance in effect is a, you cannot be, they are going to be, let's say 15 foot off the road, I don't remember what it was, but it's probably not a heck of a lot more and it was six feet. They are not even going to be six feet off the road. We're now talking about use, we're not talking about nonconforming use, it was just a line given them at the time that you'll not be closer than that variance that we're granting you. You can correct me if I am wrong, they look like they are going to be inside of that variance or in better shape than what the variance was that we gave them. Do they in effect lose that variance because they are taking down the building?

BY MR. LUCIA: Yes, because they are removing it. As I said, all those factors go to mitigation in terms of the showing they have to make to the Board. They are actually improving the front yard setback, so it's certainly something they can show us in argument for it and we'd be, the point should well be taken, but since they are physically removing what they have a variance on, they are starting from scratch on this one.

BY MR. KARTIGANER: Can we proceed, let me just present this as a question. Can we proceed and try to get approvals on the variance that we have requested, okay, which includes request for basically is our site plan without a canopy?

BY MR. LUCIA: You can, if the Planning Board agrees that they require variance, you're going to wind up with two public hearings. If you don't mind going to the trouble and expense.

BY MR. KARTIGANER: If we get our, I'd have to get the okay from, you know, obviously we'd proceed on, trying to proceed with getting the variance for the canopy.

BY MR. LUCIA: I'm not sure, just from your own and you can obviously reach your own decision on this, whether it's going to accelerate it any because the plan we now have before us shows a canopy. If you want to exclude the canopy from this application, you have to go back to the Planning Board with a new plan without the canopy anyway. So I think no matter what happens tonight, you're still going to have to go back to the Planning Board to get the plan changed.

BY MR. TORLEY: What I'd recommend personally that you be scheduled for another preliminary hearing and you can come back with everyone after the variance that you might need, the request then we'll go through the whole procedure once. I'm afraid you might go through a public hearing, do all that, and find out we need another variance and you'd have to go through the whole process again.

BY MR. KARTIGANER: That's what I'm not sure if we're getting approval for a variance or approval for the whole site plan.

BY MR. LUCIA: You're not, before the Planning Board can approve your site plan, you need to have these variances granted. If this Board denies the variance, they have no site plan to approval. You have to change it to be conforming.

BY MR. KARTIGANER: What we can do is present the same site plan to the Planning Board. Give approval with the note that the canopy is not approved at this time unless recommend telling the Planning Board that the canopy is not approved, this is a variance that you forgot to mention that requires a variance because that we a question there, you know, it was some towns require it as a variance as a building, consider it a building, some places consider it something else. We can take it off and get the approval, you know, from the Planning Board. They have approved everything else.

BY MR. TORLEY: You still have the pump that's in the front, a front yard, if you want to consider that.

BY MR. FENWICK: If he makes the canopy overhang the pump, so the pump doesn't even come into play.

BY MR. TORLEY: If he takes the canopy off, he's still got the pump.

BY MR. FENWICK: I don't think they are going to do that. We can set that up. That's the idea to pump the gas out of the weather.

BY MR. KARTIGANER: The other thing Jim suggested if we can just come back here, the Planning Board had no problems with the canopy or the pumps or anything, come back here at the next session in our application request for -- does it have to come through the Planning Board?

BY MR. LUCIA: Since it requires revision to the map, that at least should be signed off by the Planning Board, so I think you probably have to go back to the Planning Board in a work session.

BY MR. TORLEY: The site plan is the same.

BY MR. LUCIA: He has no variance column on his table. He needs to show on the plan the specific variance required and he's just showing, you know, existing and permitted. I think some of the figures are wrong. You probably want to revise some of the figures, some of them you have matching the requirements and the plan itself doesn't match them, so I really would suggest you go over the whole table as well as listing a variance required column.

BY MR. KARTIGANER: If that's the only thing, they may do it in a workshop. That's possible. Because it's a very small thing to put onto the map.

BY MR. LUCIA: As I say, since you're going back anyway, it seems to me to be most sufficient to handle all the issues at the same time so it involved front yard on the variance, do it all at one public hearing. That would be my recommendation. If you want to do it piecemeal you're welcome to.

BY MR. FENWICK: We have got a map signed by Carl Schiefer and it says sent to the Zoning Board of Appeals for necessary variances.

BY MR. TORLEY: Fine, let's get the necessary

variances.

BY MR. LUCIA: As long as he amends the map to show on there what he needs.

BY MR. TORLEY: I don't want to ping pong the gentleman back and forth. So are we permitted for him to go to the building inspector or the daytime workshop session and lay out exactly what he needs and come back for the next preliminary meeting?

BY MR. LUCIA: If he adds the column on variances needed and gets Mike or Mark to sign a new notice of denial, specifically listing all those variances, I see no problem with him coming back. The question is, do you want to see it again at the preliminary before he goes to public hearing?

BY MR. FENWICK: Definitely.

BY MR. KARTIGANER: Go directly to the public hearing?

BY MR. FENWICK: No, the reason why and it sounds, doesn't sound right because I know the other towns you're into a public hearing and they haven't seen it at all, you may go through considerable expense, sit down with the Board and you have got two people that aren't here, have seen it for the first time and go I don't like this and you have no idea why they don't. We can settle it in a preliminary rather than you come to the preliminary and I think it's fair for the applicant. You get to know what we're looking for, okay, or what we expect from you.

BY MR. TORLEY: I have no problem with the plans.

BY MR. FENWICK: I don't either, personally I have no problem with the plan as it stands, but I'd like to have all your ducks in a row, as we say.

BY MR. KARTIGANER: We have to put the variance table and get it signed off at the workshop session.

BY MR. LUCIA: At the same time I'd check the provided column because some of the numbers are not accurate.

BY MR. TORLEY: Did we talk about the two front yard variances? Maybe the canopy or the pumps themselves

and I don't know whether the sign meets it or not.

BY MR. FENWICK: Just address the sign and make sure it gets straightened out. Entertain a motion to table the matter?

BY MR. FINNEGAN: I make the motion to table it.

BY MR. TORLEY: I'll second it.

ROLL CALL:

Torley: Aye.

Finnegan: Aye.

Tanner: Aye.

Fenwick: Aye.

ORANGE COUNTY DEPARTMENT OF PLANNING
APPLICATION FOR MANDATORY COUNTY REVIEW
OF LOCAL PLANNING ACTION

(Variances, Zone Changes, Special Permits, Subdivisions, Site Plans)

Local File No. 91-23

1. Municipality Town of New Windsor Public Hearing Date 7/22/91
☐ City, Town or Village Board ☐ Planning Board ☒ Zoning Board

2. Owner: Name Mobil Oil Corp.
Address 50 Broadway

3. Applicant*: Name Hawthorne, N.Y. 10532
Address _____

* If Applicant is owner, leave blank

4. Location of Site: Five Corners - Vails Gate - Rt 32 west side
(street or highway, plus nearest intersection)

Tax Map Identification: Section 69 Block 4 Lot 26.2

Present Zoning District C Size of Parcel 102 x 197 ±

5. Type of Review:

Special Permit: _____

Variance: Use _____

Area Lot, sideyd. & bldg height to add car wash. (See plans & eliminate service sta.)
Zone Change: From front & rear yd. To Ap.

Zoning Amendment: To Section _____

Subdivision: Number of Lots/Units _____

Site Plan: Use _____

6/20/91
Date

Patricia A. Bankart, Secy
Signature and Title



555 BLOOMING GROVE TURNPIKE • NEWBURGH, NY 12550-7896 • (914) 562 - 4391

2 July 1991

Town of New Windsor
Zoning Board of Appeals
555 Union Avenue
New Windsor, New York 12553

ATTENTION: Ms. BARNHART, ZONING BOARD SECRETARY

SUBJECT: MOBIL STATION 06N2X, VAILS GATE, NEW YORK

Dear Ms. Barnhart:

At the Zoning Board of Appeals meeting of 24 June, minor revisions to the site plan were suggested prior to scheduling a Public Hearing for the requested variances. Therefore we are submitting to you the following revised documents for your files.

1. Six (6) copies of Site Plan entitled "Site Plan - Rebuild for Service Station 06N2X in the Town of New Windsor, Orange County, New York", dated 30 March 1990 with a revision date of 26 June 1991.
2. One (1) copy "Notice of Disapproval of Site Plan or Subdivision Application" dated 18 June 1991 with a revision date of 25 June 1991.

Should you have any questions, please do not hesitate to contact this writer at your earliest convenience.

Very truly yours,

KARTIGANER ASSOCIATES, P.C.

Christopher Fullam
Project Engineer

cc: Gary Hughes, Mobil Oil Corp.

CF: lmm
Encl. a/s

di 141
newwind.ltr

MOBIL OIL SITE PLAN (90-50) ROUTE 32 & 94

Mr. Scott Kartiganer came before the Board representing this proposal.

MR. KARTIGANER: The purpose of this meeting is the presentation, address the application of a site plan of a Mobil Station at the corner of Route 32 and 94 in Vails Gate. The plan has been in front of the Board before now.

MR. SCHIEFER: This is the existing station?

MR. KARTIGANER: We are doing a complete rebuild of the existing station. There will be a car wash at this one. Since the last meeting, we have done some work with the DOT coordinating our design with what they are doing out there right now. And also, taking into consideration the major comment what we believe at the last meeting was revising the orientation of the car wash to provide some more stacking capabilities.

And this is what we have done. Just for your edification, this area along Route 32 currently is being in construction as far as the islands. We are showing slightly larger islands. We made the entrances and exits along Route 32 are what the State wants. We may or may not increase the width of that island, depending on what they do. I think they are going to put some brick and make it nice. These islands over here right now currently you can see it is not as clear as you can but we are showing exiting curbing that's out there all right and it's going to be a curb cut back here, two curb cuts along Route 94. What we are proposing to do is only put one which we have generally had, we haven't gotten the formalities through the DOT but they are not going to have any problems with that. I have already discussed it with the field engineer. They are going to construct it the way that they have the design because the exit of the station is there. We couldn't make the field modifications at this time for what we wanted just simply because that's the way it's laid out. I have Mark's comments in front of me. There's one or two minor comments pertaining to the 8 spaces as opposed to 7. That's just a drafting notation there. We have the, I believe, the amount of parking that's required that's there. We haven't shown the landscaping at this time. We are doing considerable landscaping along the perimeter once we have the layout.

MR. VAN LEEUWEN: Gentlemen, he's got to go for a variance, okay, that's basically what he's here for to go to the Zoning Board of Appeals.

MR. SCHIEFER: What's the variance here?

MR. DUBALDI: For the car wash.

MR. VAN LEEUWEN: Read the comments here and it will tell you.

MR. KARTIGANER: And the third thing--

MR. VAN LEEUWEN: No sense in going through all this until after the Zoning Board of Appeals because he doesn't know if he's going to get the variances yet.

MR. SCHIEFER: That map is the way they want it and the DOT is going to control the map, the final map I'd like to see what the actual things are going to be the way they are.

MR. KARTIGANER: They are shown. The actual things as they exist right now. This curbing right here and this curbing, what we have voiced, we have asked the DOT and they have no, they have taken no exception of putting in the curbing just moving this entrance back to here and this entrance we are keeping this the same place. Along 32, what we are showing is the DOT's proposed entrance location. The DOT has a proposed entrance right here at this location. We are just making this into one mass over here and we are putting in the entrance, the DOT has an entrance back here and we want to put it right here so we'll just have a single entrance. They will be constructing it the way their current plan is. We can't have them make that change at this time because the configurations of the pumps.

MR. MC CARVILLE: This particular plan you're showing us, is that wholly utilized the property being used as parking by your neighbors?

MR. JIM MORAN: I'm from Mobil Oil. I think I was by there the other day and the DOT curbing that they have laid out cuts off any access to the rear property but if they weren't doing that, we would, by construction of the car wash where it is and the other things that are going to go back there, that access would no longer be there.

MR. MC CARVILLE: Thank you.

MR. SCHIEFER: This parking will be cut out?

MR. MC CARVILLE: Yes, there's an illegal driveway.

MR. DUBALDI: The trash enclosure is going to be put in the way.

MR. VAN LEEUWEN: I don't know if it goes back that far.

MR. SCHIEFER: McDonald's owns the piece of land and they have today there was nothing in there. I noticed it but that's the piece you're talking about.

MR. MC CARVILLE: I portion of it is on the Mobil--

MR. MORAN: The changes in the grades would totally eliminate right now we don't utilize, we grade off and then there's a flat area and the grade is going to entirely change and that's virtually going to disappear.

MR. SCHIEFER: The DOT will eliminate our problem here.

MR. MC CARVILLE: Can we take a look at your elevations?

MR. KARTIGANER: Sure. All right, the elevations we have some photos also of--

MR. VAN LEEUWEN: Couldn't you guys design a little bit different building than just a box dropped out of the sky by an airplane?

MR. KARTIGANER: Building is sort of modern, it's a gas station.

MR. VAN LEEUWEN: Looks like somebody dropped it out of an airplane.

MR. MC CARVILLE: They all look like boxes.

MR. SCHIEFER: There's the palm trees there.

MR. KARTIGANER: We'll put the palm trees in there.

MR. MC CARVILLE: With this kind of building, we'd like to see a very extensive landscaping.

MR. KARTIGANER: Well, I think--

MR. MC CARVILLE: Including the trees in the drawing. It's gotten to the point where there are just so many of these we have at least applications for three on Route 32 now we got several in existence and all over

the area you look at shoe boxes with a little convenience store in it. They are convenient, they are easy to get in and out of but there comes a time when you have to take a look at what is happening.

MR. KARTIGANER: Well, what I can point out like as far as that Vails Gate corner, probably the nicest kept up and maintained property in that whole little area is that Mobil station.

MR. VAN LEEUWEN: The old Hess station is very well maintained.

MR. MC CARVILLE: I am not overly enthused about the particular design that you are proposing.

MR. VAN LEEUWEN: I'm not either.

MR. MC CARVILLE: But that's corporate.

MR. SCHIEFER: If it's a corporate design, you can do something, make it a little more attractive by landscaping and you have already agreed to do that.

MR. KARTIGANER: We have agreed to do that.

MR. MC CARVILLE: Some emphasis should be put--

MR. KARTIGANER: We'll put--

MR. VAN LEEUWEN: I make a motion to approve this site plan.

MR. MC CARVILLE: I'll second it.

MR. SCHIEFER: Motion has been made and seconded we approve the Mobil Oil Site Plan on Route 32 and 94. Any discussion?

ROLL CALL:

Mr. VanLeeuwen	No
Mr. McCarville	No
Mr. Lander	No
Mr. Dubaldi	No
Mr. Schiefer	No

MR. EDSALL: You may want to put in the record the fact that you have looked at a variety of arrangements and this appears to be the best internal traffic arrangement and because of this final best site plan

5-22-91

arrangement, it created a need for a variance. I don't want them to misunderstand that you haven't reviewed it. Is that a fair reflection of where we stand?

MR. SCHIEFER: Anyone have any objection to that going into the minutes to go to the Zoning Board of Appeals along with the plan?

MR. VAN LEEUWEN: No.

MR. SCHIEFER: You want one of these plans stamped?

MR. BABCOCK: Just signed by you.

NEW WINDSOR ZONING BOARD OF APPEALS

-----x

In the Matter of the Application of
MOBIL OIL CORPORATION

DECISION GRANTING
VARIANCE

81-28

-----x

WHEREAS, MOBIL OIL CORPORATION of 610 White Plains Road,
Scarsdale, New York 10583, has made application before the
Zoning Board of Appeals for area variance for the purposes of:
construction of canopies over gasoline islands for self-service concept;
and

WHEREAS, a public hearing was held on the 11th day of
January, 1982 before the Zoning Board of Appeals at the Town Hall,
New Windsor, New York; and

WHEREAS, the applicant appeared by its agent, Mr. J. L.
Goodno, Real Estate Division; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New
Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents
and businesses as prescribed by law and published in The Sentinel, also
as required by law.

2. The evidence shows: that there will be no major
structural changes to the property in question except for canopies added
over the gasoline islands which will be changed to self-service

3. The evidence shows: there will be no changes in the
character of the neighborhood

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. The evidence shows that the applicant will encounter practical difficulty if the area variance requested is not granted.
2. The proposed variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

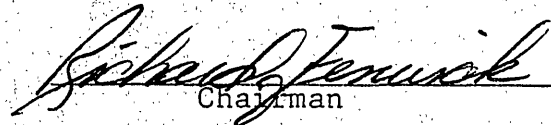
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grant 49/54 ft. sideyard variances for corner lot to applicant in accordance with plans submitted at the public hearing.

BE IT FURTHER,

RESOLVED that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: January 25, 1982.


Chairman



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

29

June 18, 1991

Kartiganer Associates, P.C.
555 Blooming Grove Turnpike
New Windsor, NY 12553

Attn: Chris Fullam

Re: 500 ft. Variance List
Tax Map Parcel 69-4-26.2
Mobil Oil Corp.

Dear Sirs:

According to our records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk, Town of New Windsor, NY.

Sincerely,

L. Cook / cad

LESLIE COOK
Sole Assessor

LC/cp
Attachments

cc: Patricia Barnhart

V.G.R. Associates
c/o Howard V. Rosenblum
300 Martine Ave.
White Plains, NY 10601

Steve Prekas
3 Warden Circle
Newburgh, NY 12553

Steve Prekas
c/o ACSIS Foods Inc.
1 Topaz Ct.
Spring Valley, NY 10977

Paul & Virginia Casaccio
41 Barclay Rd.
New Windsor, NY 12553

Joseph A. & Robert Primavera
P.O. Box 177
Vails Gate, NY 12584

Angelo Rosmarino Enterprises, Inc.
P.O. Box 392
Vails Gate, NY 12584

Hess Realty Corp.
1 Hess Plaza
Woodbridge, NJ 07095

Louis Korngold M.D.
135 Strawtown Road
W Nyack, NY 10994

Brambury Associates
765 Elmgrove Road
Rochester, NY 14624

TGS Associates Inc.
15 East Market St.
Red Hook, NY 12571

S & S Properties Inc.
123 Quaker Road
Highland Mills, NY 10930

Conna Corporation
c/o Convenient Industries of America, Inc.
Real Estate Dept., P.O. Box 35710
Louisville, KY 40232

Ella Brewer
Box 527
Vails Gate, NY 12584

Wilbur Brewer
P.O. Box 610
Vails Gate, NY 12584

Mary McMillen
P.O. Box 153
Vails Gate, NY 12584

Russell A. Jr. & Ruth Ann Brewer
Route 94 Box 103
Vails Gate, NY 12584

Helen & Ida Mae & Michael Brewer
P.O. Box 293
Vails Gate, NY 12584

Beatrice Deyo & Hannah Marie Scherf & Lawrence Arthur Scherf
P.O. Box 293
Vails Gate, NY 12584

Central Hudson Gas & Electric Corp.
284 South Ave.
Poughkeepsie, NY 12601

Herbert Slepoy & Fred Gardner
104 S Central Ave.
Valley Stream, NY 11580

McDonalds Corp. 031/0159
P.O. Box 66207
AMF Ohare
Chicago, Illinois 60666

Constantine Leonardo
18 Oak St.
Newburgh, NY 12550

Samuel Leonardo
7 Dogwood Hills Rd.
Newburgh, NY 12550

Apache Associates
52 Elm St.
Huntington, NY 11743

New Windsor Volunteer Ambulance Corp Inc.
555 Union Ave.
New Windsor, NY 12553

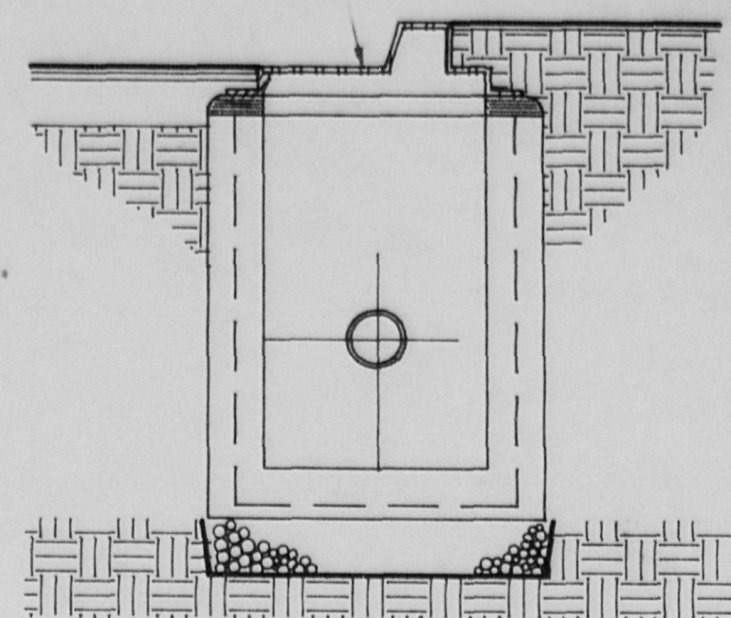
C P Mans
P.O. Box 247
Vails Gate, NY 12584

Brian K. & Bridgette A. Vander Maas
12 Truex Dr.
New Windsor, NY 12553

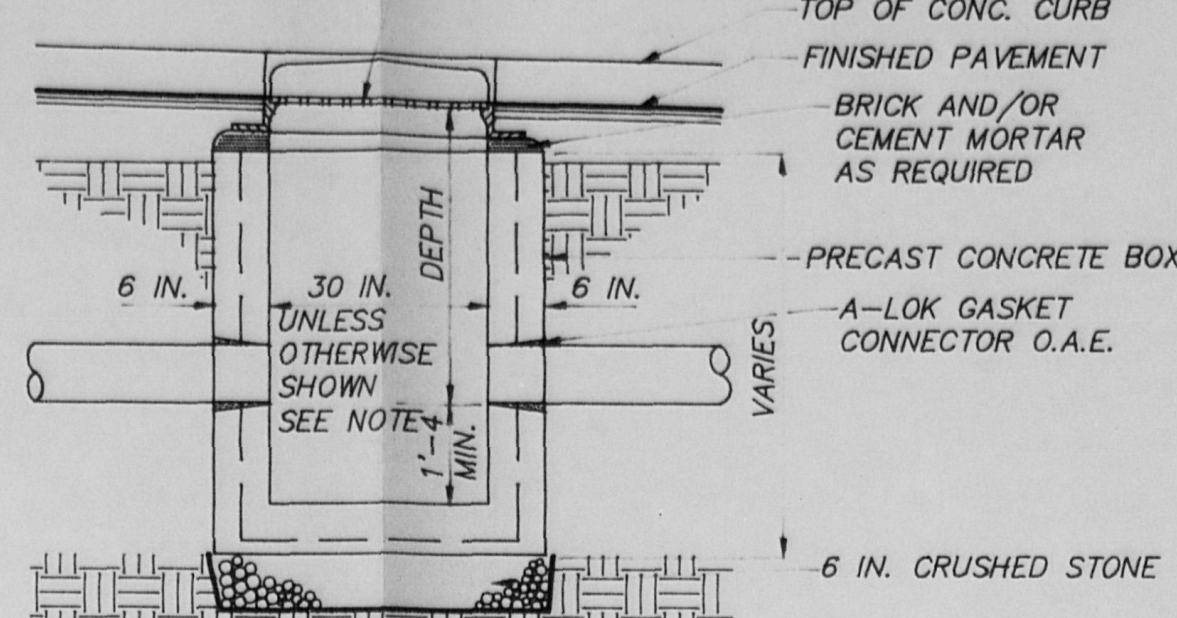
Michael A. & Michael R. Fernandez
9 Truex Dr.
New Windsor, NY 12553

William & Andrew & Jacqueline Slepoy
1303 Harbor Rd.
Hewlett, NY 11557

CAST IRON FRAME AND GRATE
CAMPBELL NO. 2546 O.A.E.



SIDE SECTION



FRONT SECTION

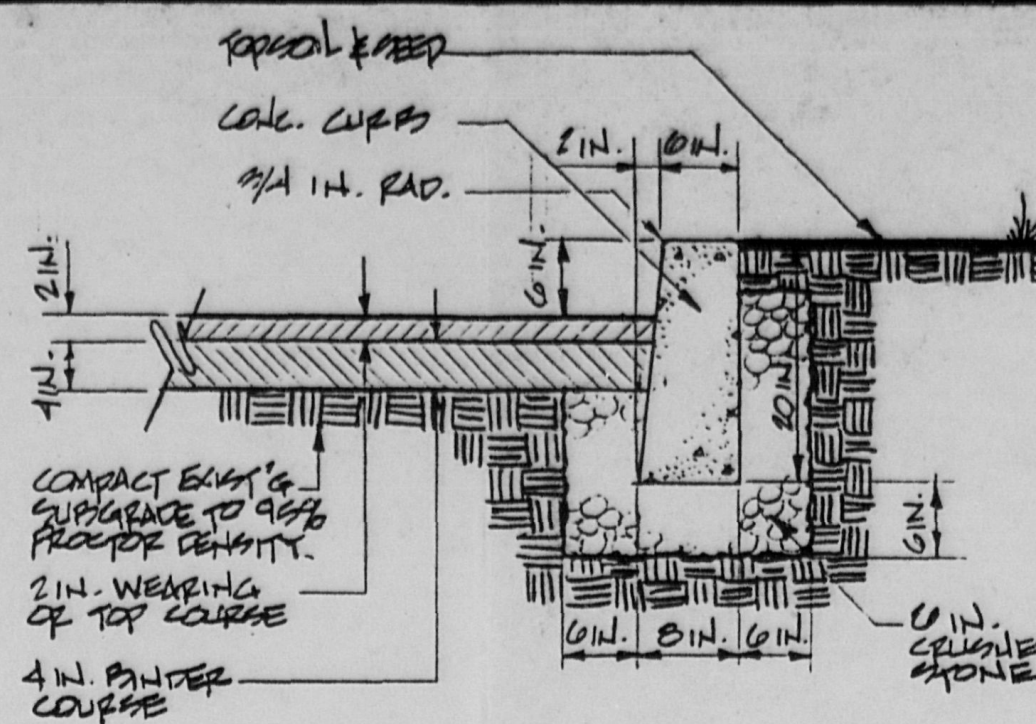
NOTE: INSTALL FRAME AND GRATE
TO MATCH SLOPE OF PAVEMENT

TOP OF CONC. CURB
FINISHED PAVEMENT
BRICK AND/OR
CEMENT MORTAR
AS REQUIRED

PRECAST CONCRETE BOX
A-LOK GASKET
CONNECTOR O.A.E.

6 IN. CRUSHED STONE

UNDISTURBED SOIL



NOTES:

1. EXPANSION JOINTS SPACED EVERY 16' MIN. FROM CURB
2. PAVEMENT COURSES:
A. ASPHALT CONC. - TYPE 3, FINISH COURSE
B. ASPHALT CONC. - TYPE 4, WEARING COURSE

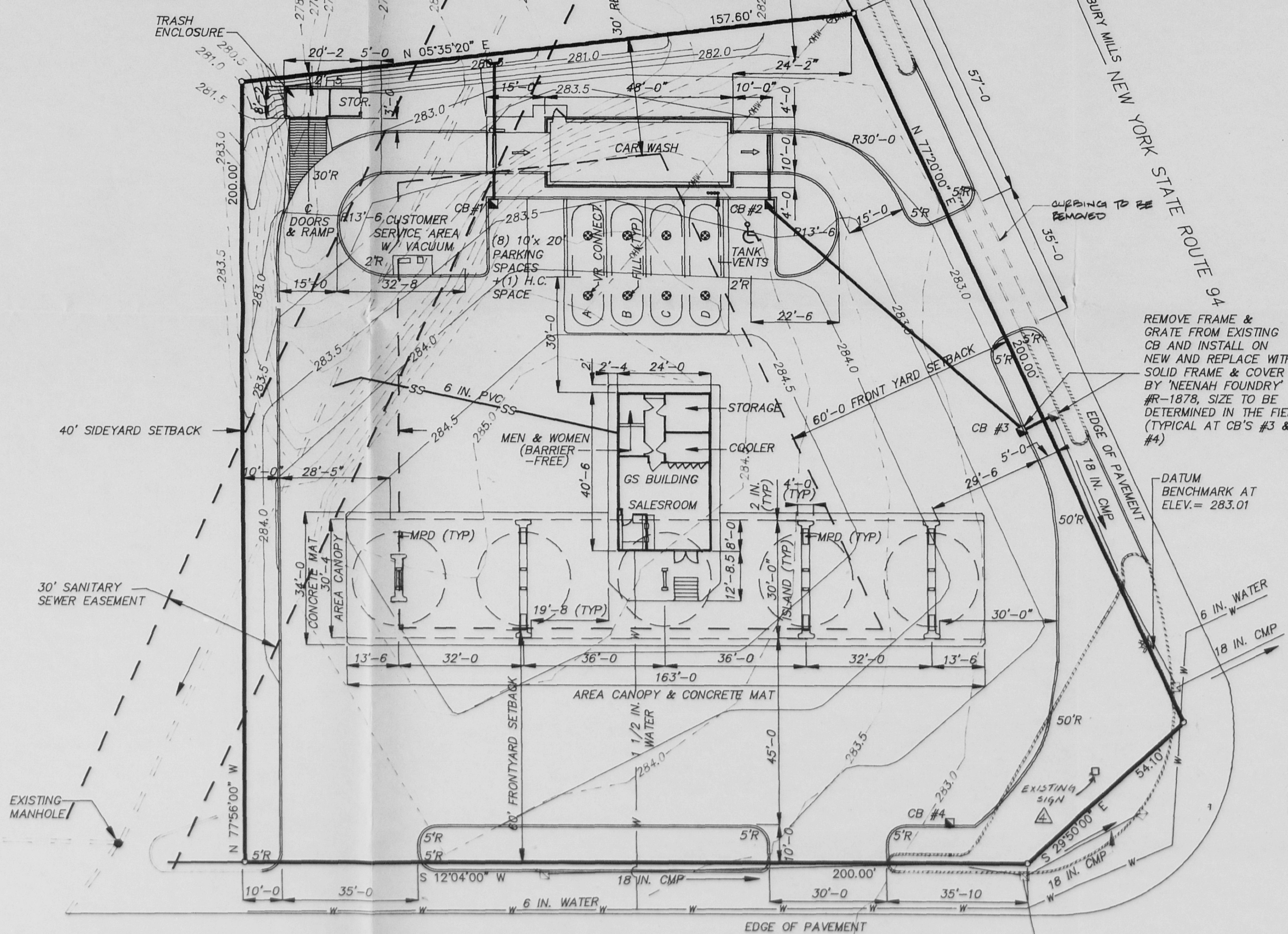
B PAVEMENT & CURB DETAIL

A TYPICAL CATCH BASIN W/ CURB INLET

S-1 N.T.S.

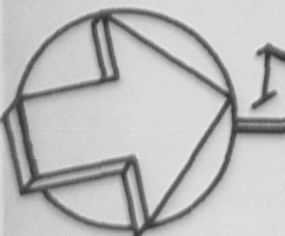
NOTE:
SHALL MEET THE REQUIREMENTS OF THE
N.Y.S.D.O.T. SPEC. 706.04. CATCH BASIN
TYPE "J" UNLESS OTHERWISE SHOWN ON
PLAN.

N/F
FRANCHISE REALTY
INTERSTATE CORPORATION



TO HIGHLAND MILLS

NEW YORK STATE ROUTE 32



SITE PLAN



SCALE: 1 IN. = 20 FT

REV	DR	CK	DATE	DESCRIPTION
1	MSO	MRC	26 JUNE 1991	AS PER 2.B.A. COMMENTS
2	MSO	MRC	13 MAY 1991	REVISED SITE LAYOUT
3	MSO	MRC	1 APRIL 1991	REVISIONS AS PER PLANNING BRD. COMMENTS
4	MSO	MRC	9 NOV 1990	REVISIONS AS PER TOWN ENGINEERS COMMENTS

NOTES:

1. BOUNDARY AND TOPOGRAPHICAL SURVEY INFORMATION BASED UPON SURVEY PREPARED BY DENNIS E. WALDEN, L.S., LICENSE NO. 47555, DATED 22 JANUARY 1990.
2. TAX LOT DATA SHOWN HEREON IS IN ACCORDANCE WITH THE TAX ASSESSMENT MAP OF THE TOWN OF NEW WINDSOR.
3. ELEVATIONS ARE BASED ON A DATUM BENCHMARK SET AS AN X-CUT ON THE EASTERLY CAP BOLT OF THE HYDRANT IN THE NORTHEAST CORNER OF THE LOT.
4. ZONING INFORMATION SHOWN HEREON IS IN ACCORDANCE WITH THE ZONING ORDINANCE OF THE TOWN OF NEW WINDSOR.
5. LOCATIONS OF SUBSURFACE UTILITIES SHOWN HEREON ARE BASED ON THE FIELD SURVEY AND LOCATION OF PHYSICAL SURFACE EVIDENCE WHICH CORRELATES WITH THE PLANS ON FILE IN THE OFFICE OF THE TOWN ENGINEER, TOWN OF NEW WINDSOR.
6. CONTRACTOR TO VERIFY THE EXISTENCE OF SUBSURFACE UTILITIES PRIOR TO ANY EXCAVATION.
7. MOBIL PROJECT MANAGER:
GARY WILKES
50 BROADWAY
HAWTHORNE, N.Y. 10532
8. NO PHYSICAL EVIDENCE OF THE LOCATION OF MUNICIPAL WATER SERVICE TO SERVICE STATION FOUND AT THE TIME OF FIELD SURVEY.
9. LOCATION AND SIZE OF EXISTING WATER LINE WAS ACQUIRED FROM MAPS ON FILE AT THE NEW WINDSOR TOWN HALL. THIS LOCATION IS TO BE CONSIDERED APPROXIMATE.
10. CONTOUR INTERVAL FOR FINISHED CONTOURS IS 0.5 FT.
11. INSTALLATION OF BUILDINGS, SIGNS, MPD'S, TRASH ENCLOSURES, AND OTHER ON SITE APPARATUS SHALL BE CONSTRUCTED AS PER MOBIL STANDARD DETAILS, LATEST REVISION.
12. ENTRANCES: CURBING & STORM DRAINAGE STRUCTURES SHOWN ADJACENT TO ROUTES 32 & 94 WERE OBTAINED FROM N.Y.S.D.O.T. DESIGN DRAWINGS FOR THE "RECONSTRUCTION OF ROUTE 94 INTERSECTIONS WITH ROUTES 32 & 300, STATE HIGHWAYS 42, 9033, 154, AND 9457 IN THE TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK.
13. UNDERGROUND TANKS SHALL BE INSTALLED IN ACCORDANCE WITH ALL FEDERAL, STATE, AND LOCAL REGULATIONS. TANK SIZES AND USES ARE AS FOLLOWS:
TANK A = 10M, REGULAR UNLEADED
TANK B = 10M, REGULAR UNLEADED
TANK C = 10M, SUPER UNLEADED +
TANK D = 10M, SPECIAL UNLEADED
14. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL APPLICABLE PERMITS.
15. EXISTING UNDERGROUND FUEL TANKS SHALL BE REMOVED IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF 6 NYCRR PART 613. THE TOWN OF NEW WINDSOR FIRE INSPECTORS OFFICE AND THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL BE NOTIFIED PRIOR TO THE COMMENCEMENT OF WORK.

PARKING REQUIREMENTS

PARKING	REQUIRED	PROVIDED
4 EACH PER SERVICE BAY X 0 BAYS =	0	0
1 EACH PER 300 SQFT - FLR. AREA = 924 SQFT	4	6
HANDICAPPED SPACES	1	1
TOTAL =	5	7

VARIANCE TABLE

BULK ITEM	REQUIRED	PROVIDED	VARIANCE REQUESTED
SITE AREA	40,000 s.f.	38,170 s.f.	1,830 s.f.
FRONT YARD:			
CAR WASH:	60 ft.	39 ft.	21 ft.
CANOPY:	60 ft.	To Rt 94 - 24 ft. To Rt 32 - 56 ft.	36 ft. 4 ft.
REAR YARD:			
CAR WASH:	30 ft.	17 ft.	13 ft.
SIDE YARD:			
CANOPY:	30 ft.	27 ft.	3 ft.
MAXIMUM BUILDING HEIGHT:			
CAR WASH:	5.7 ft.	12.2 ft.	6.5 ft.

LOCATION MAP

SCALE: 1 IN. = 1000'



LEGEND

PROPOSED CURB	PROPOSED STORM DRAIN
EXISTING WATER LINE	EXISTING MAN HOLE
EXISTING GAS LINE	PROPOSED AREA LIGHTS
EXISTING SANITARY SEWER	NEW CATCH BASIN
EXISTING STORM DRAIN	EXISTING CATCH BASIN
EXISTING CURB	EXISTING UTILITY POLES
NEW 2 IN. WATER	EXISTING LIGHT POST
EXISTING STORM DRAIN	EXISTING TRAFFIC SIGNS
EXISTING .5' CONTOURS	MPD PROP. MULTI PUMP DISP.
NEW .5' CONTOURS	10M 10,000 GALLONS
EXISTING HYDRANT	V.R. VAPOR RECOVERY

SITE INFORMATION

LOCATION:	TOWN OF NEW WINDSOR ORANGE COUNTY, NEW YORK
OWNER/APPLICANT:	OWNER: MOBIL OIL CORP. PO BOX 290 DALLAS, TEXAS 75221 APPLICANT: MOBIL OIL CORP. 50 BROADWAY HAWTHORNE NY 10532
TAX MAP DESIGNATION:	SEC. 9 BLK. 4 LOT 26.2
LOT AREA:	0.978± ACRES (42,606 SQ. FT.)
BUILDING AREA:	924 SQ. FT.
ZONED:	"C" - DESIGN SHOPPING
EXISTING USE:	SERVICE STATION AND SNACK SHOP
PROPOSED USE:	REBUILD AND UPGRADE OF EXISTING STATION. USE PERMITTED BY SPECIAL PERMIT BY PLANNING BOARD.

BULK REGULATIONS: ZONE C - DESIGN SHOPPING USES B-5 & A-1

ITEM	REQUIRED	PROVIDED
SITE AREA	40,000 s.f.	GROSS: 42,606 s.f. NET: 38,170 s.f.
*NET AREA REFLECTS TOT. AREA LESS 30' SAN. SEWER EASEMENT.		
LOT WIDTH	200 ft. min.	213 ft.
FRONT YARD:		
SALES BUILDING:	60 ft. min.	75 ft.
CAR WASH:	60 ft. min.	* 39 ft.
CANOPY:	60 ft. min.	* TO RT. 94-24 ft. * TO RT. 32-56 ft.
REAR YARD:		
SALES BUILDING:	30 ft. min.	91 ft.
CAR WASH:	30 ft. min.	* 17 ft.
CANOPY:	30 ft. min.	115 ft.
SIDE YARD:		
SALES BUILDING:	30 ft. min.	96 ft.
CAR WASH:	30 ft. min.	78 ft.
CANOPY:	30 ft. min.	* 27 ft.
MAXIMUM BUILDING HEIGHT:		
SALES BUILDING:	25 ft. max.	10.5 ft.
CAR WASH:	5.7 ft. max.	* 12.2 ft.
FLOOR AREA RATIO	50%	4%
PAVED AREA	N/A	70%
OPEN AREA	N/A	26%

* DENOTES THOSE BULK REGULATION ITEMS REQUIRING A VARIANCE. SEE VARIANCE TABLE THIS SHEET.

KARTIGANER ASSOCIATES, P.C. CONSULTING ENGINEERS

555 BLOOMING GROVE TURNPIKE, NEWBURGH, N.Y. 12550
PH: 914-562-4391 FAX: 914-562-4395

Mobil Oil Corporation

MARKETING & REFINING DIVISION 1 - U.S.
MARKETING AND OPERATIONS DEPARTMENT
FAIRFAX, VIRGINIA 22037



SITE PLAN - REBUILD
for SERVICE STATION 06N2X in the
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK
SCALE: 1 IN. = 20 FT. SHEET: 1 OF: 1
DATE: 30 MARCH 1990
DWG. NO.: S-1
DRAWN: MSO
CHECKED: M.C. JOB NO: 89046.00

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EXCEPT WITH THE PERMISSION OF
THE OFFICE OF ORIGIN.

UNAUTHORIZED ALTERATION OR ADDITION
TO THIS PLAN IS A VIOLATION OF
SECTION 7209 (2) OF THE NEW YORK
STATE EDUCATION LAW.